



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **BSBWRK408A Undertake negotiations**

**Revision Number: 1**

## BSBWRK408A Undertake negotiations

### Modification History

Not applicable.

### Unit Descriptor

<b>Unit descriptor</b>	<p>This unit describes the performance outcomes, skills and knowledge required to effectively participate in negotiations either as an individual or as a member of a negotiating team.</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

<b>Application of the unit</b>	<p>This unit applies to individuals who have knowledge of unionism and industrial relations, and a commitment to advancing social justice principles. They provide leadership and guidance to workers and union members.</p> <p>The unit relates to the negotiation of a range of issues for workers, such as terms and conditions of employment, awards and agreements, workplace safety and industrial matters.</p>
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### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

<b>Prerequisite units</b>		

## Employability Skills Information

<b>Employability skills</b>	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. Prepare for negotiations	<p>1.1. Encourage members to raise issues and matters of concern</p> <p>1.2. Analyse the presenting issue and obtain additional information from members and others, if required</p> <p>1.3. Identify the <b><i>purpose and objectives of the negotiation</i></b> and verify the claim, including top- and bottom-line positions, in consultation with members</p> <p>1.4. Identify and establish priorities for the negotiation</p> <p>1.5. Undertake research to develop a position which is assessed for strengths and weaknesses, takes account of member views and is assessed against relevant policies</p> <p>1.6. Identify main arguments, predict opponent's arguments and consider consequences of not reaching agreement</p> <p>1.7. Select a <b><i>negotiation style</i></b> and make decisions on how to present the position</p>
2. Participate in negotiations	<p>2.1. Assign roles for negotiators, fully brief all participants and gain support from all relevant parties for an agreed approach to the negotiations</p> <p>2.2. Clearly state relevant facts to the issue presented in the negotiation and explain the strength of the agreed position</p> <p>2.3. Identify <b><i>relevant precedents</i></b> and supporting arguments</p> <p>2.4. Identify all negotiating positions and alternative offers</p> <p>2.5. Utilise effective communication techniques and <b><i>techniques for dealing with conflict and deadlocks</i></b></p> <p>2.6. Monitor discussions, take notes and fully explore options consistent with objectives/policies</p> <p>2.7. Seek adjournments where appropriate and take time to consult with others where required</p> <p>2.8. Confirm agreed position or outcome in writing</p>
3. Finalise and monitor outcomes of negotiations	<p>3.1. Confirm agreement with the relevant authority, document the agreement and file appropriately</p> <p>3.2. Report to members on outcomes of the negotiations</p> <p>3.3. Put mechanisms in place to ensure agreement is implemented and implementation is monitored</p> <p>3.4. Debrief negotiating participants and take follow-up</p>

ELEMENT	PERFORMANCE CRITERIA
	action if required 3.5.Evaluate effectiveness of negotiation against objectives and relevant policies

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

- analytical and research skills to ensure proper preparation for negotiations
- communication skills to negotiate effectively
- innovation skills to find meaningful ways to deal with a wide range of member issues
- problem-solving skills to find ways to deal with blocks to negotiation.

#### Required knowledge

- common law rights and obligations
- decisions and actions of regional, national and international union organisations and councils
- precedents for similar issues/matters
- relevant employment agreements, awards and terms, and conditions of employment
- relevant legislation relating to industrial relations, vocational education and training, occupational health and safety, discrimination and equal employment opportunity
- relevant policies and procedures.

## Evidence Guide

### EVIDENCE GUIDE

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.

#### Overview of assessment

#### Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the following is essential:

- demonstration of negotiations on a range of industrial and other relevant issues, with various stakeholders
- preparation of relevant documents to support effective negotiations
- knowledge of precedents for similar issues/matters.

#### Context of and specific resources for assessment

Assessment must ensure:

- access to a range of scenarios relevant to the work of the candidate
- suitable environment for re-enacting negotiations.

#### Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:

- analysis of responses to case studies and scenarios
- demonstration of techniques
- direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate
- observation of demonstrated techniques in negotiation
- observation of performance in role plays
- observation of presentations
- oral or written questioning to assess knowledge of relevant policies and procedures
- review of position developed for the negotiation
- review of notes taken and options explored during the negotiation
- evaluation of reports to members on outcomes of the negotiations.

#### Guidance information for assessment

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

- other workplace relations units.



## Range Statement

### RANGE STATEMENT

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.

<b><i>Purpose and objectives of the negotiation</i></b> may relate to:	<ul style="list-style-type: none"> <li>• awards and agreements</li> <li>• roles and responsibilities</li> <li>• settlement of claims</li> <li>• skills and training issues</li> <li>• terms and conditions of a contract</li> <li>• terms and conditions of employment</li> <li>• workplace health and safety issues</li> </ul>
<b><i>Negotiation style</i></b> may be:	<ul style="list-style-type: none"> <li>• assertive</li> <li>• collaborative</li> <li>• competitive</li> <li>• subordinate</li> </ul>
<b><i>Relevant precedents</i></b> could include:	<ul style="list-style-type: none"> <li>• industrial or legal decision/s and interpretations</li> <li>• issues at common law</li> <li>• other workplace/industry disputes and agreements</li> <li>• statutory and industrial rights and conditions</li> </ul>
<b><i>Effective communication techniques</i></b> refers to:	<ul style="list-style-type: none"> <li>• active listening</li> <li>• body language</li> <li>• interpersonal and language style</li> <li>• questioning (use of open or closed questions)</li> </ul>
<b><i>Techniques for dealing with conflict and deadlocks</i></b> may include:	<ul style="list-style-type: none"> <li>• calling in a third party</li> <li>• clarifying the position of both parties</li> <li>• notifying and undertaking industrial action</li> <li>• preparing a compromise or alternate position</li> <li>• referring back and consulting with members</li> <li>• restating or reframing the position</li> </ul>

## Unit Sector(s)



<b>Unit sector</b>	
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## Competency field

<b>Competency field</b>	Workforce Development - Workplace Relations
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## Co-requisite units

<b>Co-requisite units</b>		