



**Australian Government**

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

# **CPCBC4024A Resolve business disputes**

**Release: 1**

## **CPCBC4024A Resolve business disputes**

### **Modification History**

Not Applicable

### **Unit Descriptor**

**Unit descriptor** This unit of competency specifies the outcomes required to advise on or resolve business disputes that may arise in the course of activities in residential and commercial contracting projects. Dispute resolution procedures may be applied as one of the disputing parties or as an independent party.

### **Application of the Unit**

**Application of the unit** This unit of competency supports the needs of builders, site managers and forepersons, estimators, managers and other construction industry personnel responsible for ensuring that business disputes are resolved in a positive manner.

### **Licensing/Regulatory Information**

Not Applicable

## Pre-Requisites

**Prerequisite units** Nil

## Employability Skills Information

**Employability skills** This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

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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.

## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Develop and implement dispute resolution procedures.	<p>1.1. Established business <i>dispute resolution procedures</i> are reviewed and implemented as appropriate.</p> <p>1.2. Business dispute resolution procedures are developed where required and documented, and agreement to procedures is secured from all parties.</p> <p>1.3. Recording procedures are established and provision for record keeping is made.</p> <p>1.4. External arbitrators or conciliators are identified for consultation when disputes cannot be resolved internally.</p>
2. Conduct an initial investigation into business disputes and possible resolution strategies.	<p>2.1. Nature and <i>cause of business disputes</i> are identified and documented.</p> <p>2.2. Parties to dispute are identified and approached individually, and the issues are clarified and documented.</p> <p>2.3. Solutions based on an examination of the information collected and with reference to contractual arrangements are suggested.</p>
3. Identify opportunities for dispute resolution.	<p>3.1. Efforts are made to bring the disputing parties together.</p> <p>3.2. Where necessary, external arbiters or conciliators are consulted.</p> <p>3.3. Relevant statutory laws are identified, applied and followed.</p> <p>3.4. Disputes are resolved in accordance with common law.</p>

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

Required skills for this unit are:

- communication skills to:
  - communicate by telephone

## **REQUIRED SKILLS AND KNOWLEDGE**

- enable clear and direct communication, using questioning to identify and confirm requirements, share information, listen and understand
- research and evaluate information and circumstances surrounding a business dispute
- read and interpret relevant legislation
- use and interpret non-verbal communication
- use language and concepts appropriate to cultural differences
- written skills to:
  - complete checklists
  - send emails and faxes
  - write memos and reports
- negotiation relevant to dispute resolution situations
- problem solving in the context of dispute resolution
- research and evaluate information and circumstances surrounding a business dispute.

### **Required knowledge**

Required knowledge for this unit is:

- contractual and business frameworks underpinning the building and construction industry
- mores, values and attitudes of various groups in the community that should be accounted for in discussions
- possible reactions from persons under pressure, such as anger and withdrawal.

# Evidence Guide

## EVIDENCE GUIDE

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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

This unit of competency could be assessed by developing a set of dispute resolution procedures and demonstrating how these would apply to a selection of disputes.

This unit of competency can be assessed in the workplace or a close simulation of the workplace environment, provided that simulated or project-based assessment techniques fully replicate construction workplace conditions, materials, activities, responsibilities and procedures.

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

A person who demonstrates competency in this unit must be able to provide evidence of the ability to:

- identify the nature of the dispute and the identity of the parties to the dispute
- document the details of the dispute in sufficient terms for an unambiguous evaluation of the issues to occur
- identify and follow established dispute resolution procedures
- develop and implement dispute resolution procedures, where there are none established.
- understand need to remain completely impartial in any involvement in a dispute.

### Context of and specific resources for assessment

This competency is to be assessed using standard and authorised work practices, safety requirements and environmental constraints.

Assessment of essential underpinning knowledge will usually be conducted in an off-site context.

Assessment is to comply with relevant regulatory or Australian standards' requirements.

Resource implications for assessment include:

- documentation that should normally be available in either a building, construction or civil contracting office

## EVIDENCE GUIDE

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- relevant codes, standards and government regulations
- suitable work area appropriate to the construction process.

Reasonable adjustments for people with disabilities must be made to assessment processes where required. This could include access to modified equipment and other physical resources, and the provision of appropriate assessment support.

### Method of assessment

Assessment methods must:

- satisfy the endorsed Assessment Guidelines of the Construction, Plumbing and Services Training Package
- include direct observation of tasks in real or simulated work conditions, with questioning to confirm the ability to consistently identify and correctly interpret the essential underpinning knowledge required for practical application
- reinforce the integration of employability skills with workplace tasks and job roles
- confirm that competency is verified and able to be transferred to other circumstances and environments.

Validity and sufficiency of evidence requires that:

- competency will need to be demonstrated over a period of time reflecting the scope of the role and the practical requirements of the workplace
- where the assessment is part of a structured learning experience the evidence collected must relate to a number of performances assessed at different points in time and separated by further learning and practice, with a decision on competency only taken at the point when the assessor has complete confidence in the person's demonstrated ability and applied knowledge
- all assessment that is part of a structured learning experience must include a combination of direct, indirect and supplementary evidence.

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Assessment processes and techniques should as far as is practical take into account the language, literacy and numeracy capacity of the candidate in relation to the competency being assessed.

Supplementary evidence of competency may be obtained from relevant authenticated documentation from third parties, such as existing supervisors, team leaders or specialist training staff.

## Range Statement

### RANGE STATEMENT

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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.

***Dispute resolution procedures***  
include:

- arbitrated decisions
- common law outcomes
- litigated decisions
- mutual resolution
- on-site negotiations
- reference to contractual obligations.

***Cause of business disputes***  
includes:

- contract payment issues
- different opinions about design, structural layout or dimensions
- dissatisfaction with project progress
- structural finish, quality, materials or construction methodology.

## Unit Sector(s)

Unit sector

Construction



## **Co-requisite units**

**Co-requisite units** Nil

## **Functional area**

**Functional area**