



Australian Government

Department of Education, Employment and Workplace Relations

PSPWPR501A Provide advice on complex workplace relations issues

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Layout adjusted. No changes to content.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers the ability to provide advice on complex workplace relations issues, which may be received directly from clients or referred from internal colleagues. It includes defining, clarifying and analysing the issue; identifying the nature and extent of advice required; researching, analysing and applying relevant historical records and legal information; consulting with experts; and preparing appropriate advisory reports and information.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

In practice, people responsible for applying workplace relations dispute-resolution processes may be working as a:

- senior researcher or advisor in an advisory organisation
- workplace relations inspector or investigator
- senior human resources officer

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

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 range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Analyse and clarify complex workplace relations issues	1.1. <i>Complex workplace relations issues</i> are reviewed to identify relevant <i>stakeholders</i> and potential conflict of interest, and where conflict exists the issue is referred according to workplace procedures. 1.2. Recorded details of complex workplace relations issues are identified, and advice given and action taken to date are reviewed. 1.3. Internally escalated issues are clarified with relevant personnel. 1.4. Client and relevant stakeholders are contacted according to workplace procedures to clarify and expand on details of complex issues. 1.5. Clear definition of the issue, and the <i>nature and extent of information</i> required to assist with its resolution, are discussed and agreed with relevant stakeholders.
2. Research information applicable to complex issues	2.1. Historical organisational records of similar or related issues are researched and information applicable to current issue is analysed and recorded. 2.2. <i>Relevant legal documentation</i> is researched and application to current issue is analysed and recorded. 2.3. Expert legal advice on aspects of complex issues is sought according to workplace procedures. 2.4. Information is evaluated, integrated and recorded to form the factual and impartial basis of advice to be given. 2.5. Nature and extent of advice are checked against agreed scope. 2.6. Validation of advice is sought from colleagues, relevant manager or expert according to workplace procedures.
3. Provide advice and information	3.1. Validated advice is incorporated into records and reports according to client requirements and workplace procedures. 3.2. Queries relating to advice are responded to promptly and effectively. 3.3. Researched information is documented and shared with colleagues according to workplace requirements. 3.4. System records and reports are completed and processed according to workplace requirements.

Required Skills and Knowledge

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

Required skills

- language and literacy skills to:
 - communicate impartially and diplomatically with diverse stakeholders, including conducting open discussions and using appropriate questioning techniques
 - read, interpret and communicate historic records, case law, legislation, regulations, policies, procedures and guidelines relating to workplace relations
 - prepare records, written reports and correspondence containing information that is impartial, validated, accurate and complete
- time-management skills to plan and prioritise work
- interpersonal and teamwork skills to:
 - work as a member of a team
 - consult and provide advice
- planning and organising skills to administer and manage records and files

Required knowledge

- historical records and legal information relevant to particular workplace relations issues
- workplace relations framework
- workplace relations legislation at federal and state levels, including conditions and entitlements
- roles and responsibilities of stakeholders, including employers, employees, unions and advisory bodies
- organisational policies and procedures

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.

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

Assessment must confirm the ability to:

- analyse complex workplace relations issues
- research legislation, including common and case law, to identify appropriate and accurate responses
- seek expert legal advice as required
- communicate complex workplace relations information in plain English to diverse stakeholders

Consistency in performance

Competency should be demonstrated by providing advice on a range of complex workplace relations enquiries involving:

- a variety of types of industrial instruments
- a range of issues regarding conditions and entitlements
- diverse enquirers

Context of and specific resources for assessment

Assessment must comply with:

- organisational client management and health and safety procedures
- applicable regulations and codes

Access may be required to:

- a simulated work environment
- organisational policies and procedures
- workplace relations information

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about:
 - workplace relations information sources
 - case law applicable to complex workplace relations enquiries
 - range of expert advice available
 - examples of complex workplace relations issues
- observation of the candidate providing advice on a range of complex workplace relations issues to diverse enquirers
- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures
- review of records completed by candidate or reports of performance

In all cases, practical assessment should be supported by questions to assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

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.

Complex workplace relations issues may relate to:

- making, varying or terminating a workplace agreement
- operational and notification requirements
- award coverage
- wage rates
- conditions and entitlements of employment
- incorrect record keeping
- unfair or unlawful termination
- discrimination
- OHS
- working conditions
- redundancy
- training
- superannuation

Stakeholders may include:

- employees
- employers
- trainees and apprentices
- employee representatives
- employer representatives
- union representatives
- employer associations

Nature and extent of information may include:

- proof of identity
- business name
- employer association
- constitutional corporation
- industry
- duties and occupations
- business pre and post-reform
- parties involved

Relevant legal documentation may include:

- case law and historical information
- legislation, codes and standards relevant to the workplace, such as:
 - Workplace Relations Act 1996
 - workplace relations regulations

- Fair Work Act 2009
- Independent Contractors Act 2006
- other relevant federal, state or territory, and local legislation relating to:
 - OHS
 - human rights and equal employment opportunity
 - industrial relations
 - superannuation
 - workers compensation
 - long service leave
 - relevant industry codes of practice
 - note: legislation, codes and standards are subject to change and current relevant versions should be researched
- relevant awards, employment contracts or industrial instruments, such as:
 - employee collective agreement (ECA)
 - union collective agreement (UCA)
 - employee greenfield agreement (EGA)
 - union greenfield agreement (UGA)
 - Australian workplace agreement(AWA)
 - individual transitional employment agreement (ITEA)
 - enterprise bargaining agreement (EBAs)
 - multiple business agreement (MBA)
 - common law contract (CLC)
 - notional agreement preserving state award (NAPSA)
 - preserved state agreement (PSA)
 - enterprise agreement
 - multi enterprise agreement
 - single enterprise agreement
 - greenfields agreement
 - federal award
 - state award
 - contract for award-free employees

Unit Sector(s)

Not applicable.

Competency field

Workplace Relations.