



Australian Government

Department of Education, Employment and Workplace Relations

BSBWRK409A Prepare for and participate in dispute resolution

Revision Number: 1

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Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to prepare for and participate in a dispute resolution process including a dispute over the application of terms and conditions of employment or bargaining. It covers preparation of a case, participation in a dispute resolution process and the process of appearing before a tribunal or body to assist in the resolution of the dispute. No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.
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Application of the Unit

Application of the unit	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. Individuals who perform this task of dispute resolution will be generally working with union staff.
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

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. Prepare for dispute resolution	1.1. Establish facts and issues surrounding the dispute 1.2. Analyse key strengths and weaknesses of own and opposing case 1.3. Determine and analyse dispute resolution process to be applied 1.4. Identify evidence that can be used to support own case 1.5. Make an assessment of realistic outcomes that may be achieved and agree on objectives for participating in the processes 1.6. Develop an appropriate strategy to deal with the dispute through agreed or established processes 1.7. File appropriate documentation in accordance with the agreed procedure and/or tribunal requirements
2. Participate in dispute resolution processes	2.1. Present an outline of position to support own case and respond to and/or rebut opposing arguments 2.2. Identify common areas of agreement, seek to minimise areas of disagreement and achieve an outcome that will align with your objective/s
3. Reach an outcome to dispute resolution	3.1. Use communication techniques to put forward options for resolution of the dispute 3.2. Seek agreement on identified options that are consistent with own objectives 3.3. Consult with appropriate parties over authority to reach agreement on particular options 3.4. Refer to appropriate tribunal/person in accordance with the dispute resolution process where agreement cannot be reached 3.5. Clarify agreement or withdraw from dispute resolution process
4. Evaluate and review outcome against objectives	4.1. Report back to members and union on outcomes 4.2. Review outcome with members and union against objectives 4.3. Review dispute resolution processes for effectiveness

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- analytic skills to determine relevant facts and issues surrounding the dispute
- communication skills to obtain information from relevant parties and to attain agreement
- literacy skills to read reports and to prepare appropriate documentation
- teamwork skills to work with others effectively.

Required knowledge

- common law rights and obligations
- precedents for similar issues/matters
- relevant policies and procedures
- 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.

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: • documented case relating to an individual grievance, workplace dispute or related matter, with supporting evidence of how facts were gathered and analysed, and the process that occurred to achieve a resolution • analysis of the roles of the parties involved in the dispute and the effectiveness of strategies used in the dispute resolution • knowledge of common law rights and obligations.
Context of and specific resources for assessment	Assessment must ensure: • access to a range of documents relating to a dispute.
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 • assessment of analysis of key strengths and weaknesses of own and opposing case • review of documentation outlining position to support own case and responding to and/or rebutting opposing arguments • review of how outcomes were reported back to members and union.
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.	
<i>Dispute</i> may relate to:	• bargaining dispute • grievance under an award or agreement • term of legislation, award or agreement
<i>Dispute resolution processes</i> may include:	• agreed dispute resolution processes • dispute resolution processes in workplace agreements • model dispute resolution processes
<i>Evidence</i> may include:	• custom and practice • documented interviews • precedents • relevant policies • statements
<i>Communication techniques</i> may include:	• active and involved listening, reframing, summarising, reflecting, clarifying, paraphrasing • body language • interpersonal and language style • problem solving • questioning (use of open or closed questions)

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Workforce Development - Workplace Relations
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Co-requisite units

Co-requisite units		