



Australian Government

Department of Education, Employment and Workplace Relations

BSBWRK503A Coordinate case preparation and research

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 effectively coordinate and prepare cases on behalf of the union before a tribunal. It covers formulating strategies within a legal framework to achieve optimum outcomes; providing advice on cases; and undertaking research and preparing case submissions. 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 with a sound theoretical knowledge base in unionism and industrial relations who provide leadership to members and staff in the union workplace. They carry moderate levels of responsibility and are authorised to coordinate cases before a tribunal. This activity may be undertaken with advice from legal counsel.
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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. Work within a constitutional and legislative framework	1.1. Identify relevant court, tribunal and administrative bodies to respond to each employment-related matter 1.2. Apply knowledge of the constitutional or legislative framework to work 1.3. Consider scope of jurisdiction and industrial matters 1.4. Explain and apply practical application of key employment laws
2. Formulate strategy within the appropriate jurisdiction	2.1. Apply knowledge of the appropriate jurisdiction 2.2. Apply knowledge of employment laws to achieve best outcomes 2.3. Ensure strategic decisions are informed by an understanding of the jurisdiction's powers
3. Advise on the validity and credibility of cases	3.1. Gather relevant information with sufficient detail for an accurate evaluation to be made 3.2. Consult specialists in instances where expert interpretation or advice is required 3.3. Make judgements on the basis of clear and accurate information 3.4. Evaluate likelihood of success using valid and reliable case information 3.5. Inform interested parties of likely outcomes with a clear rationale given for anticipated results 3.6. Develop a full range of options for resolution and explain rationale for option selection 3.7. Advise interested parties of rationale and provide them with information about their options where the union will not support the case 3.8. Store relevant information accurately and securely and disclose confidential information only with the express permission of the member and only to appropriate parties
4. Prepare case submissions	4.1. Identify case objectives 4.2. Identify and assess key strengths and weaknesses, including gap areas requiring further research 4.3. Predict opposing arguments and address key points to be made 4.4. Check case regularly for its validity and likely outcomes 4.5. Prepare sufficient and appropriate rebuttal of

ELEMENT	PERFORMANCE CRITERIA
	opposing party's case or build into the submission 4.6. Prepare appropriate submissions 4.7. Ensure established procedures and time lines for submission of written material and responses are met
5. Undertake case research	5.1. Identify relevant supporting and opposing precedents and arguments 5.2. Prepare evidence materials 5.3. Identify key studies, research and other material in support of the case or that support opposing arguments 5.4. Re-evaluate the case against research outcomes

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- high level analytical and research skills to assess relevant information and to evaluate its usefulness in the case
- planning and organisational skills to make sure that the case runs smoothly
- well developed writing skills to prepare necessary documentation for the case.

Required knowledge

- academic and legal studies about employment-related matters
- decisions of federal and state industrial and equal opportunity tribunals
- labour market and other statistical information
- relevant employment agreements and awards, and terms and conditions of employment
- relevant regional, national, and international legislation and regulations relating to industrial relations, occupational health and safety (OHS), vocational education and training, and equal opportunity and discrimination
- union 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: • demonstrated experience in having coordinated case preparation and evidence relating to an actual employment-related case on behalf of the union • demonstrated ability to coordinate the preparation of a case involving a number of people, to undertake detailed analysis of research, to commission research to support the case, and to prepare overall case outlines and submissions on behalf of the union • knowledge of relevant employment agreements and awards, and terms and conditions of employment.
Context of and specific resources for assessment	Assessment must ensure: • access to a wide range of documentation relating to cases which the union may have run, or be required to run.
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: • assessment of written reports/examples of documented cases • direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate • observation of presentations • oral or written questioning to assess knowledge of legislation covering industrial relations, OHS, environmental issues, or anti-discrimination • review of options developed for resolution and review of rationale for option selected • review of documentation predicting opposing arguments and addressing key points to be made • evaluation of evidence materials prepared.
Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended,

EVIDENCE GUIDE

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>Strategic decisions</i> may involve:	• application for adjournments • applications for orders restraining an employer from undertaking certain activities • referral of matters into conciliation • use of dispute resolution processes
<i>Specialists</i> may include:	• academics • economists or other recognised persons within their field • legal counsel • pre-eminent persons
<i>Submissions</i> may include:	• written case outline • written submissions • witness statements
<i>Evidence materials</i> may include:	• exhibits • inspection records • precedent decisions • witness statements • written or other records
<i>Key studies, research and other material</i> could include:	• commissioned research • government statistical and other reports • journal materials • publications • research articles • research reports

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		