



Australian Government

Department of Education, Employment and Workplace Relations

PSPWPI501B Evaluate workplace legislative compliance

Revision Number: 3

PSPWPI501B Evaluate workplace legislative compliance

Modification History

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

Unit Descriptor

This unit covers the competency to determine compliance, breaches and risks to workers or the work environment. This includes acting to minimise risks to workers, the public and/or the work environment and to record non-compliance. It includes identifying issues relevant to the organisation's jurisdiction, assessing workplaces for non-compliance, advising on control measures and implementing compliance activities.

In practice, evaluating workplace legislative compliance may overlap with other generalist or specialist public sector work activities such as acting ethically, complying with legislation, developing client service, providing leadership, conducting evaluations.

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

Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in ***bold italics*** is explained in the Range Statement following.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify issues relevant to the organisation's jurisdiction	1.1 Jurisdictional boundaries and powers are confirmed. 1.2 Identification of <i>defined areas</i> is carried out in accordance with organisational requirements. 1.3 <i>Issues</i> relating to workers, work environment and/or public are identified.
2. Assess workplace for non-compliance	2.1 Issues relating to workers, public and/or work environment are assessed and prioritised against legislative requirements and in line with the organisation's policies and procedures. 2.2 Non-compliance/possible breaches are identified, assessed and recorded in accordance with legislative and organisational requirements. 2.3 Any issues beyond own level of competence are identified and referred to the <i>appropriate sources</i> for follow-up action.
3. Advise on control measures	3.1 A range of <i>control measures</i> is identified in accordance with organisational policies and procedures having regard to current standards. 3.2 A practicable solution to achieve compliance in accordance with legislative requirements is determined.
4. Implement compliance activity	4.1 <i>Compliance activity</i> is implemented in accordance with organisational policy and procedures. 4.2 Effectiveness of selected compliance activity is evaluated and reported/documented in accordance with organisational policy and procedures.

Required Skills and Knowledge

This section describes the essential skills and knowledge and their level, required for this unit.

Skill requirements

Look for evidence that confirms skills in:

- engaging in communication to provide advice on legislation relevant to compliance, using complex exchanges of oral information
- interpreting, analysing and explaining complex and formal documents such as legislation and its application to clients' situations
- using mediation/negotiation
- undertaking conflict/dispute resolution
- using analysis to interpret test results
- using equipment and technology

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- principal legislation such as occupational health and safety, workers compensation, injury management and workplace relations
- performance standard in the legislation
- impact of hazards/issues on persons
- strengths and weaknesses of possible control measures and the reasons for choosing practicable solution
- industry practices where applicable, such as awards and enterprise agreements
- organisational policies and procedures related to compliance activities
- principles of risk management, including hierarchy of controls
- technical features associated with hazards and potential risks as these relate to jurisdictional issues

Evidence Guide

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: *Nil*
- *Co-requisite* units that must be assessed with this unit: *Nil*
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:
 - PSPETHC501B Promote the values and ethos of public service
 - PSPGOV505A Promote diversity
 - PSPGOV507A Undertake negotiations
 - PSPGOV508A Manage conflict
 - PSPGOV509A Conduct evaluations
 - PSPGOV511A Provide leadership
 - PSPGOV512A Use complex workplace communication strategies
 - PSPGOV514A Facilitate change
 - PSPGOV515A Develop and use political nous
 - PSPGOV516A Develop and use emotional intelligence
 - PSPGOV517A Coordinate risk management
 - PSPGOV518A Benchmark performance
 - PSPOHS501A Monitor and maintain workplace safety
 - PSPWPI502B Facilitate improvement in workplace legislative performance

Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- evaluation of workplace legislative compliance in a range of (3 or more) contexts (or occasions, over time)

Resources required to carry out assessment

These resources include:

- legislation, policy, procedures and protocols relating to workplace legislative compliance

- case studies and workplace scenarios to capture the range of situations likely to be encountered when evaluating workplace legislative compliance

Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when evaluating workplace legislative compliance, including coping with difficulties, irregularities and breakdowns in routine
- evaluation of workplace legislative compliance in a range of (3 or more) contexts (or occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- portfolios
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

For consistency of assessment

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

Range Statement

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in ***bold italics*** in the Performance Criteria is explained here.

Defined areas may include:

- construction sites
- factories
- offices
- rural industries
- mines and quarries
- any other area as defined under the organisation's legislation

Issues may include:

- plant
- manual handling/ergonomics
- noise
- hazardous substances
- dangerous goods
- workplace relations
- workers compensation
- injury management/rehabilitation
- work environment such as heat, confined spaces
- hazardous processes and work systems
- other work environment issues defined by the organisation's legislation
- policies and procedures
- electrical safety
- occupational health
- occupational health and safety management systems

Appropriate sources to refer to may include:

- consultants
- other inspectors/officers
- technical experts
- manufacturers, suppliers and designers
- technical standards
- scientific standards
- other jurisdictions
- other organisations
- supervisors/managers

Control measures for

- elimination

occupational health and safety may include:

- substitution
- isolation
- engineering controls
- administrative controls
- personal protective equipment

Control measures for workplace relations may include:

- assessment
- identification
- application
- enforcement

Compliance activity may include:

- provision of advice/directions/instructions
- issue of notices such as improvement, prohibition, infringement/penalty, seizure notices
- initiation of prosecution proceedings

Unit Sector(s)

Not applicable.

Competency field

Workplace Inspection