



Australian Government

Department of Education, Employment and Workplace Relations

PSPWPR502A Manage compliance with workplace relations legislation

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 administer and manage compliance with workplace relations legislation and provide consultation and advice to those with this responsibility. It includes evaluating workplace conditions and entitlements to assess compliance or non-compliance with relevant workplace relations legislation, examining issues of non-compliance, and selecting strategies that could be implemented to contribute to compliance.

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 administering and managing compliance with workplace relations legislation may be working as:

- researcher or advisor in advisory organisations
- workplace relations issues inspector or investigator
- senior human resources officer with responsibility for compliance with workplace relations and other employment legislation

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. Assess compliance of workplace conditions and entitlements with workplace relations legislation	1.1. Current, relevant workplace relations legislation and guidance information are accessed and interpreted. 1.2. Workplace conditions and entitlements are evaluated and factors that may constitute non-compliance with workplace relations legislation are identified. 1.3. Information that will assist in the assessment of a potential or possible breach is gathered and recorded as necessary. 1.4. Potential or possible breaches of legislation and possible outcomes and courses of action are identified and referred to appropriate persons for timely action. 1.5. Assessment of potential or possible breach is recorded and reported according to organisational and legislative requirements.
2. Review non-compliant workplace conditions and entitlements and propose resolution strategies	2.1. Information that assists in the assessment of non-compliance is gathered from advisory materials, stakeholders and workplace documents and recorded according to organisational policies and procedures. 2.2. Information is reviewed and compared to workplace relations legislative requirements to assess non-compliance. 2.3. Urgency of non-compliance resolution is assessed and priority allocated to enable timely and effective action. 2.4. Strategies for resolving non-compliant factors of workplace conditions and entitlements are suggested or sought from appropriate persons. 2.5. Participation in and contribution to resolution of non-compliance is made according to organisational procedures. 2.6. Records and reports are completed and processed according to organisational and legislative requirements.
3. Contribute to compliance with workplace relations legislation	3.1. Compliance requirements of workplace relations legislation are communicated to relevant persons to confirm understanding and ensure consistency of interpretation and application. 3.2. Potential consequences of non-compliance with workplace relations legislation are conveyed using language and examples suited to individual needs. 3.3. Practices that may contribute to non-compliance are identified and addressed.

Required Skills and Knowledge

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

Required skills

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

Required knowledge

- workplace relations framework
- workplace relations legislation, including conditions and entitlements
- relevant support organisations
- common and case law
- strategies for encouraging compliance, such as:
 - advice sheets and checklists
 - transparency of workplace arrangements
- roles and responsibilities of stakeholders, including employers, employees, legal representatives, unions, advisory bodies and other government agencies
- procedures and protocols for reporting non-compliance with workplace relations legislation
- consequences of non-compliance with workplace relations legislation
- organisational policies and procedures relating to managing compliance with workplace relations legislation

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:

- interpret and communicate workplace relations information to diverse stakeholders
- identify and assess potential breaches of workplace relations legislation
- research specific details of workplace relations legislation
- participate in resolution of workplace relations non-compliance issues.

Consistency in performance

Competency should be demonstrated by managing, or providing consultation to the management, on a range of workplace relations non-compliance issues in a variety of contexts.

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:
 - conditions and entitlements
 - types of industrial instruments
 - common non-compliance issues and strategies for resolution
- observation of the candidate assessing a variety of non-compliance issues and proposing options for resolution
- 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.

Workplace relations legislation and guidance information may include:

- 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
 - immigration
 - 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)
 - enterprise agreement
 - single enterprise agreement
 - multi enterprise agreement
 - notional agreement preserving state award (NAPSA)
 - preserved state agreement (PSA)

- greenfields agreement
 - federal award
 - state award
 - contract for award-free employees
- Workplace conditions and entitlements** may include:
- maximum weekly hours of work
 - leave, including:
 - annual leave
 - parental leave and related entitlements
 - personal/carer's leave and compassionate leave
 - community service leave
 - long service leave
 - requests for flexible working arrangements
 - public holidays
 - notice of termination and redundancy pay
 - minimum wages
 - any other conditions or entitlements contained in industrial instruments, legislation or employment contracts
- Advisory materials** may be sourced from:
- organisational knowledge sources, such as computer databases
 - training manuals and modules
 - appropriate websites
- Stakeholders** may include:
- employees
 - employers
 - interested third parties
 - trainees and apprentices
 - employee representatives
 - employer representatives
 - union representatives
 - employer associations
 - government departments
- Workplace documents** may include:
- contracts
 - knowledge articles
 - written advice
 - memos
 - bulletins
 - organisational policies and procedures
 - guides
 - modules
 - time and wage records
 - rosters

- manuals

Unit Sector(s)

Not applicable.

Competency field

Workplace Relations.