



Australian Government

Department of Education, Employment and Workplace Relations

PSPWPR503A Apply workplace relations dispute-resolution procedures

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 competency required to resolve or advise on the resolution of workplace disputes by applying workplace relations dispute procedures that comply with relevant legislation. It includes identifying and clarifying workplace disputes, selecting and implementing resolution processes, and reporting on and evaluating the effectiveness of processes used.

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 procedures may be working as a:

- researcher or advisor in an advisory organisation
- workplace relations inspector or investigator
- senior human resources officer with responsibility for compliance with dispute resolution

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. Identify and clarify the nature of workplace disputes	1.1 Potential and actual workplace disputes are identified, or reported disputes noted, and resolution procedures initiated according to workplace procedures. 1.2 Facts and issues surrounding dispute are established through separate consultations with each disputing party and appropriate organisational research. 1.3 Relevant information is documented, collated and disseminated to the disputing parties and other appropriate persons according to organisational and legislative requirements.
2. Select and explain dispute-resolution procedures	2.1 Dispute-resolution procedures are analysed, explained to and discussed with relevant parties. 2.2 Dispute-resolution procedures and objectives are negotiated with relevant parties and decisions are verified and documented. 2.3 Roles and responsibilities of parties in the dispute-resolution process are determined and explained to participants. 2.4 Dispute-resolution procedures are scheduled and initiated according to organisational and legislative requirements. 2.5 Dispute-resolution procedures conducted by either statutory agencies or external dispute-resolution providers are analysed and explained. 2.6 Referrals to statutory agencies or external dispute-resolution providers are made, as necessary, according to workplace procedures.
3. Implement dispute-resolution procedures	3.1 Appropriate conduct of disputing parties during dispute-resolution procedures is explained and confirmed as understood. 3.2 Communication strategies are employed during the resolution process to ensure timely progress and promote positive outcomes. 3.3 Negotiation between parties is facilitated and supported to encourage agreement to a course of action. 3.4 Agreed courses of action are clarified, documented and validated by all parties or reasons for failure to agree are documented and dispute-resolution procedures are closed. 3.5 Unresolved disputes are referred to appropriate tribunal or person according to organisational and legislative requirements.
4. Report on and	4.1 Outcomes of dispute-resolution procedures are reported

**evaluate resolution
procedures**

to relevant parties according to organisational and legislative requirements.

4.2 Outcomes are compared to objectives and any issues preventing satisfactory resolution are reviewed.

4.3 Strategies for improving the effectiveness of dispute-resolution procedures are discussed with relevant parties and reported according to organisational procedures.

Required Skills and Knowledge

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

Required skills

- conflict-management skills to manage negotiations between opposing parties
- self-management skills to:
 - remain impartial and objective
 - apply information and protocols in the context of workplace relations dispute-resolution procedures
 - apply procedures relating to OHS in the context of workplace communication
- analytical skills to:
 - analyse problems
 - clarify the nature of a workplace dispute and identify appropriate resolution procedures
- interpersonal and communication skills to facilitate complex discussions and negotiations in potentially contentious situations
- language and literacy skills to:
 - research complex documents
 - communicate complex ideas and information
 - record and report on processes and outcomes

Required knowledge

- workplace relations framework
- workplace relations legislation, including conditions and entitlements
- common and case law
- roles and responsibilities of stakeholders, including employers, employees, legal representatives, unions, advisory bodies and other government agencies
- workplace policies and procedures in relation to the application of dispute-resolution procedures
- conflict resolution techniques
- legal rights and responsibilities of the parties involved in the workplace dispute

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 Competency must be demonstrated by the application of dispute resolution procedures

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

Assessment must confirm the ability to:

- analyse workplace disputes
- apply dispute-resolution procedures from initiation to closure
- apply appropriate communication strategies to facilitate resolution
- interpret and communicate workplace relations information
- evaluate processes and contribute to process improvement

Consistency in performance

Competency should be demonstrated by the application of a range of dispute-resolution procedures to different disputes involving various types of industrial instruments and a range of conditions and entitlement issues.

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:

- questioning about types and application of dispute-resolution procedures and the processes involved in each
- observation of the candidate applying workplace relations dispute-resolution procedures in a variety of contexts
- 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 disputes may include:

- any disagreement in industrial relations between relevant stakeholders regarding such things as:
 - wages
 - conditions of employment
 - employee entitlements
 - termination of employment
 - industrial action
 - enforcement and compliance with workplace laws
 - coercion and duress
 - OHS

Organisational and legislative requirements may include:

- OHS procedures
- dispute-resolution procedures
- 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)
- enterprise agreement
- single enterprise agreement
- multi enterprise agreement
- notional agreement preserving state award (NAPSA)
- preserved state agreement (PSA)
- common law contract (CLC)
- federal award
- state award
- contract for award-free employees

Dispute-resolution procedures may include:

- conferencing
- mediation
- assisted negotiation
- assisted voluntary resolution (AVR)
- neutral evaluation
- case appraisal
- conciliation
- arbitration
- services or procedures specified in the regulations

Communication strategies may include:

- active listening
- negotiating
- dealing with conflicting information
- paraphrasing
- questioning skills
- adapting communication style to suit audience
- substituting technical jargon with plain English
- assertive communication
- using conflict resolution strategies

Unit Sector(s)

Not applicable.

Competency field

Workplace Relations.