

Manage employee relations

This learner guide supports BSBWRK510A Manage employee relations in the Business Services Training Package BSB07.

© Alfred Quay, January 2015

Author: Alfred Quay

ISBN 978-1-922241-75-7

Disclaimer

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, scanning, recording, or any information storage and retrieval system, without permission in writing from the publisher, Software Publications Pty Ltd. No patent liability is assumed with respect to the use of the information contained herein. While every precaution has been taken in the preparation of this learner guide, the publisher and the authors assume no responsibility for errors or omissions. Neither is any liability assumed for damages resulting from the use of the information contained herein. These learning materials have been prepared for use as part of a structured vocational education and training course and should only be used within that context. The information contained herein was correct at the time of preparation. Legislation and case law is subject to change and readers need to inform themselves of the current law at the time of reading.

Publishers – Software Publications Pty Ltd (ABN 75 078 026 150)

Head office – Sydney

Unit 10, 171 Gibbes Street

Chatswood NSW 2067

www.softwarepublications.com.au

Published and printed in Australia

1.1 Analyse strategic plans and operational plans to determine long-term employee relations objectives

Employers are responsible for the development, implementation and management of all industrial relations policies and strategies according to the provisions of the Fair Work Act 2009. Not only should they be knowledgeable, they must also comply with all aspects of the Act. Workplace relations policies must ensure the fair and just treatment of all workers in the organisation. The constructive relationship that management builds up with all stakeholders must be testament to their commitment.

To achieve the objectives of the Act and reinforce its application, workplace planning is required. Strategic planning provides the basic framework from which all other forms of planning should take place. As all activities of an organisation ultimately depend on its strategy, it is the one of the most important aspects of planning that must be undertaken. A good understanding of the strategic plan makes it easier to understand other types of activities, such as operational planning and industrial relations policy.

The Role of the Human Resources Division

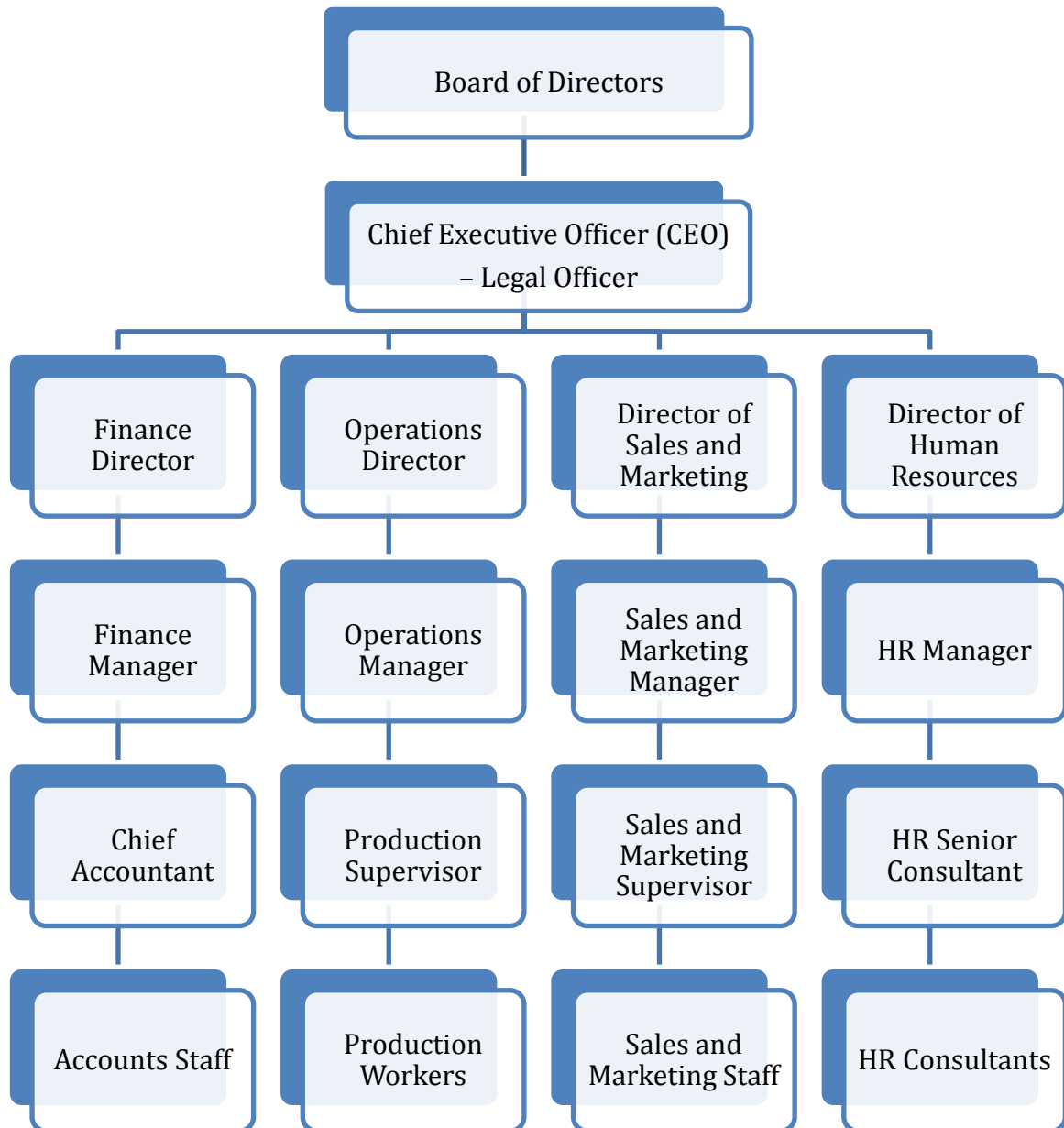
The management of employee relations policies and strategies remains the sole responsibility of the Human Resources (HR) division within the employer–employee relationship. HR plays a vital role in any organisation’s quest for effectiveness and survival. As organisations face a challenging future, it becomes clear that their ability to add value to their products and services will depend increasingly on the skills, knowledge, and initiative of the people who make up the organisation. This places HR in a unique role in contributing to future corporate and national economic success.

However, modern-day functions of HR do not only include employee relations but also workplace safety, equal employment opportunity, recruiting, selection and induction of staff, personnel management, industrial relations and maximising work performance. It is therefore necessary to find out how the HR function works. The responsibilities of HR would definitely be extended by the introduction of the *Fair Work Act 2009*.

The Organisation Chart

The way an organisation operates can be visualised in an organisation chart. The purpose of an organisational chart or structure is to give every person in the organisation a separate, distinct position and to ensure all positions are interrelated to the others in the hierarchy. Every position has its own duties and responsibilities which should be clearly defined to avoid confusion and the person who occupies that position has a job title to differentiate it from the rest. All these people and their responsibilities contribute to the operation of the organisation to enable it to meet its objectives. An organisation is therefore an establishment made up of people who perform certain tasks directed towards accomplishing company objectives.

Figure 1: Organisation Chart



The typical method of depicting an organisation hierarchy is with the aid of an organisation chart (Figure 1). Most organisations have organisation charts because they are helpful in showing employees the structure of the company as well as the positions and people who occupy them. They have their usefulness and provide valuable information on the:

- structure of the organisation
- titles and the people who occupy them
- responsibilities of incumbents
- reporting structure or 'chain of command'
- relationships that exists between each other
- the 'family tree' in which they work.

2.1 Develop an implementation plan and a contingency plan for the employee relations strategies and policies

Following the explanations previously given on planning and setting workplace relations policy objectives and strategies, management must then proceed to develop plans to implement them. The implementation process should also include the need for training and development programs as well as procedures to address grievance and conflict resolution. The employee relations implementation and contingency plans should contain all the necessary strategies to make it a successful system. Of course, smaller organisations may develop an informal system and shorter process to fit their purpose, but essential components of relevant legislations must be adopted.

HR has the responsibility of ensuring that the implementation process goes through without a hitch. The formal employee and IR relations system has many stages that must be strictly followed to guarantee success. Essentially, the following principles should be considered before implementation:

- review organisational objectives/goals for workplace relations
- review current workplace relations legislation
- develop policies and procedures manuals
- consult all stakeholders
- communicate the necessary information to all employees
- organise and conduct induction program
- organise personal interviews with employees to clarify working conditions
- monitor and improve where necessary.

The implementation process stages of a formal system can then be determined as follows:

Stage 1

- Hold joint discussions with all stakeholders
- Set goals and procedures
- Establish timelines for implementation
- Prepare policies and procedures manuals (quality documentation)
- Develop action plan.

Stage 2

- Conduct induction programs and workshops
- Organise interviews with employees involved
- Organise training for all stakeholders.

Stage 3

- Review progress
- Change and improve where necessary.

Legislative Process to Resolve Conflict

If the parties to the dispute have agreed in an employment contract, enterprise agreement or other written agreement to seek mediation in case of disagreement, the Act empowers the Fair Work Commissioner or the Ombudsman to deal with the dispute. See below.

The Act allows state and territory laws to continue to apply to employees where they provide more beneficial entitlements than the NES in relation to flexible work arrangements.

Provisions in industrial awards and certified agreements usually recommend that disputes be resolved by amicable agreement between the parties involved without going to arbitration. Consensual dispute resolution is the most common form of dealing with ordinary conflict and includes processes such as negotiation, facilitation, and mediation. Personal conflict can surface in any situation and managers must possess the interpersonal skills to provide solutions to the problems. Resolution can be possible by the use of informal processes or a more formal process such as referring the dispute to the company's Grievance Committee.

An Independent Umpire

The role of the Independent Umpire is vital to making sure the system works properly. It needs to be easy to use, affordable, timely and have the authority to do the job properly. The Umpire will be able to conciliate, mediate, call compulsory conferences and make recommendations. One of its main roles is to assist with bargaining, including supervising industrial action and facilitating bargaining for low paid workers. The Umpire will have the authority to arbitrate when bargaining fails.

The courts will also be given a new role in overseeing the application of awards and the NES. This will provide a strong deterrent against the infringement of workers' rights and entitlements, with employers facing court-imposed orders, injunctions, and penalties.

Independent Umpires may comprise the FWC or the FWO appointed by the government by virtue of the Act, or any organisation or qualified person (such as a lawyer) appointed by the FWC as the independent arbitrator to hear the case. Their decisions are final.

Role of Fair Work Authorities

The Act determines that industrial disputes that cannot be amicably resolved by the parties themselves can have recourse to the FWC and the FWO. These authorities have been established to assist and offer advice to employers, employees and unions on all matters related to the provisions of the Act, agreement making and industrial awards. Conflict resolution is part of their responsibilities. Element 1 previously described the responsibilities of both offices and their functions. Applications to the FWC and FWO have to be submitted before they are able to commence an investigation and determine the outcome.

The FWC plays a role in ensuring that the bargaining process, and any associated industrial action, occurs according to law. Bargaining representatives of employees wishing to take industrial action to support their claims must first seek an order from FWC for a protected action ballot authorising the industrial action.

The FWC has the power to suspend or terminate protected industrial action and may also make orders to stop or prevent unprotected industrial action. Such orders are enforceable in the courts.



Task 18: Research Activity – Independent Umpire

Go online to find out who can be appointed as an Independent Umpire by the FWC. What would their responsibilities be?

Date and file in your Activity folder.

Submit the task as instructed by your trainer.

3.3 Check documentation and other information sources to clarify issues in dispute

Most of the possible sources of documentation and information about disputes in the workplace would be found in the communication and reporting structure in organisations. All workplace relations legislation, EEO and WHS legislation provides for processes to be followed in cases of grievances and conflict resolution. Organisation reports and documentation are important aspects of this process.

Some of the types of documentation and reports that will have to be prepared would relate to different workplace situations and legislation requirements – as well as the reporting structure and policies in organisations. They are as follows:

Government Legislation

There are numerous Acts of parliament that have been applied and enforced in all government organisations as well as private industries in Australia. In relation to the Act, evidence on disputes can come from various sources under this legislation. They comprise:

- applications to the Fair Work Commission (FWC) about non-payment/underpayment of wages
- complaints about minimum wages
- complaints about illegal award conditions
- unlawful entry by union officials
- complaints of union abuse
- discrimination against non-unionists
- unlawful industrial action
- unfair dismissals
- unfair employment contracts
- complaints about parental leave
- complaints about maternity leave
- unfair working conditions.

These are samples of the types of information and reports that will give rise to industrial conflict. There are many more information sources to clarify issues in disputes. Most of these records/reports can be requested or obtained by freedom of information (FOI) application.

Assessment Mapping

Competency Element	Performance Criteria	Relevant Tasks
1. Develop employee and industrial relations policies and plans	1.1 Analyse strategic plans and operational plans to determine long-term employee relations objectives	<ul style="list-style-type: none"> ▪ Tasks 1 and 2 ▪ Review Questions
	1.2 Analyse existing employee relations performance in relation to workforce objectives	<ul style="list-style-type: none"> ▪ Tasks 3 and 4 ▪ Review Questions
	1.3 Evaluate options in terms of cost benefit, risk analysis and current legislative requirements	<ul style="list-style-type: none"> ▪ Case study: A real dilemma ▪ Review Questions
	1.4 Work with the management team to develop industrial relations policies and plans	<ul style="list-style-type: none"> ▪ Tasks 5, 6 and 7 ▪ Review Questions ▪ Case study: From old to new
	1.5 Identify the skills and knowledge needed by management and the workforce to effectively implement these strategies and policies	<ul style="list-style-type: none"> ▪ Review Questions ▪ Case study: New job, new problems ▪ Assessment Activity Part B
2. Implement employee relations policies and plans	2.1. Develop an implementation plan and contingency plan for the employee relations policies and strategies	<ul style="list-style-type: none"> ▪ Tasks 8, 9 and 10 ▪ Review Questions ▪ Assessment Activity Part B
	2.2. Make arrangements for training and development for identified needs to support the employee relations plan	<ul style="list-style-type: none"> ▪ Tasks 11 and 12 ▪ Review Questions ▪ Case study: Industrial training ▪ Assessment Activity Part B
	2.3. Undertake associated employee relations activities to reach agreement on changes required by policies or implementation plan	<ul style="list-style-type: none"> ▪ Tasks 13 and 14 ▪ Review Questions ▪ Case study: Unfinished business ▪ Assessment Activity Part B
	2.4. Ensure procedures for addressing grievances and conflict are properly documented	<ul style="list-style-type: none"> ▪ Task 15 ▪ Review Questions ▪ Case study: Right-of-entry ▪ Assessment Activity Part B
	2.5. Communicate key issues about procedures for addressing grievances and conflict	<ul style="list-style-type: none"> ▪ Task 16 ▪ Review Questions ▪ Assessment Activity Part B
	2.6. Review employee relations policies and plans to establish whether they are meeting their intended outcomes	<ul style="list-style-type: none"> ▪ Review Questions

Competency Element	Performance Criteria	Relevant Tasks
3. Manage negotiations to resolve conflict	3.1. Train individuals in conflict management techniques and procedures	<ul style="list-style-type: none"> ▪ Task 17 ▪ Review Questions ▪ Assessment Activity Part C
	3.2. Identify and where possible alleviate or eliminate sources of conflict or grievance according to legal requirements	<ul style="list-style-type: none"> ▪ Task 18 ▪ Assessment Activity Part C
	3.3. Check documentation and other information sources to clarify issues in dispute	<ul style="list-style-type: none"> ▪ Tasks 19 and 20 ▪ Review Questions ▪ Assessment Activity Part C
	3.4. Obtain expert or specialist advice and/or refer to precedents, if required	<ul style="list-style-type: none"> ▪ Task 21 ▪ Review Questions ▪ Assessment Activity Part C
	3.5. Determine desired negotiation outcomes, negotiation strategy and negotiation timeframes	<ul style="list-style-type: none"> ▪ Task 22 ▪ Review Questions ▪ Assessment Activity Part C
	3.6. Advocate the organisation's position in negotiation to obtain agreement	<ul style="list-style-type: none"> ▪ Task 23 ▪ Review Questions ▪ Assessment Activity Part C
	3.7. Document and, if necessary, certify the agreed outcomes with the relevant jurisdiction	<ul style="list-style-type: none"> ▪ Task 24 ▪ Review Questions ▪ Assessment Activity Part C
	3.8. Implement workplace agreements	<ul style="list-style-type: none"> ▪ Task 25 ▪ Review Questions ▪ Assessment Activity Part C
	3.9. Take remedial action where groups or individuals fail to abide by agreements	<ul style="list-style-type: none"> ▪ Tasks 26, 27, 28 and 29 ▪ Review Questions ▪ Case study: Klein Enterprises ▪ Assessment Activity Part C

BSB BUSINESS SERVICES TRAINING PACKAGE SUPPLEMENT

This workbook can be used by learners completing a qualification in the BSB Business Services Training Package.

BSBWRK510 Manage employee relations

Application

This unit describes the skills and knowledge required to manage employee and industrial relations matters in an organisation. It involves developing and implementing employee and industrial relations policies and plans and managing conflict resolution negotiations.

It applies to those who are authorised to oversee industrial relations and manage conflict and grievances in an organisation. They will have a sound theoretical knowledge base in human resources management and industrial relations as well as current knowledge of industrial relations trends and legislation.

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

Elements and Performance Criteria

This learner guide is structured according to the Performance Criteria for the Unit of Competence. Each major heading represents a performance criterion. All content under that heading relate to that competency.

Element <i>Elements describe the essential outcomes.</i>	Performance criteria <i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>	How will the evidence be gathered?
1. Develop employee and industrial relations policies and plans	1.1 Analyse strategic plans and operational plans to determine long term employee relations	Tasks 1 and 2 Review Questions
	1.2 Analyse existing employee relations performance in relation to workforce objectives	Tasks 3 and 4 Review Questions
	1.3 Evaluate options in terms of cost-benefit, risk-analysis and current legislative requirements	Case study: A real dilemma Review Questions
	1.4 Work with the management team to develop industrial relations policies and plans	Tasks 5, 6 and 7 Review Questions Case study: From old to new
	1.5 Identify the skills and knowledge needed by management and the workforce to effectively implement these strategies and policies	Review Questions Case study: New job, new problems Assessment Activity Part B

Element <i>Elements describe the essential outcomes.</i>	Performance criteria <i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>	How will the evidence be gathered?
2. Implement employee relations policies and plans	2.1 Develop an implementation plan and a contingency plan for the employee relations policies and strategies	Tasks 8, 9 and 10 Review Questions Assessment Activity Part B
	2.2 Make arrangements for training and development for identified needs to support the employee relations plan	Tasks 11 and 12 Review Questions Case study: Industrial training Assessment Activity Part B
	2.3 Undertake associated employee relations activities to reach agreement on changes required by the organisational policies or implementation plan	Tasks 13 and 14 Review Questions Case study: Unfinished business Assessment Activity Part B
	2.4 Ensure procedures for addressing grievances and conflict are properly documented	Task 15 Review Questions Case study: Right-of-entry Assessment Activity Part B
	2.5 Communicate key issues about procedures for addressing grievances and conflict to stakeholders	Task 16 Review Questions Assessment Activity Part B
	2.6 Review employee relations policies and plans to establish whether they are meeting their intended outcomes	Review Questions

Element <i>Elements describe the essential outcomes.</i>	Performance criteria <i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>	How will the evidence be gathered?
3. Manage negotiations to resolve conflict	3.1 Train individuals in conflict-management techniques and procedures	Task 17 Review Questions Assessment Activity Part C
	3.2 Identify, and where possible alleviate or eliminate, sources of conflict or grievance according to legal requirements	Task 18 Assessment Activity Part C
	3.3 Check documentation and other information sources to clarify issues in dispute	Tasks 19 and 20 Review Questions Assessment Activity Part C
	3.4 Obtain expert or specialist advice and/or refer to precedents, if required	Task 21 Review Questions Assessment Activity Part C
	3.5 Determine desired negotiation outcomes, negotiation strategy and negotiation timeframes	Task 22 Review Questions Assessment Activity Part C
	3.6 Advocate the organisation's position in negotiation to obtain agreement	Task 23 Review Questions Assessment Activity Part C
	3.7 Document, and if necessary certify, the agreed outcomes with the relevant jurisdiction	Task 24 Review Questions Assessment Activity Part C
	3.8 Implement agreements	Task 25 Review Questions Assessment Activity Part C
	3.9 Take remedial action where groups or individuals fail to abide by agreements	Tasks 26, 27, 28 and 29 Review Questions Case study: Klein Enterprises Assessment Activity Part C

Foundation Skills

Skill	Performance Criteria	Description	Learner guide page reference
Reading	1.1, 1.2, 1.3, 3.3	<ul style="list-style-type: none"> Interprets, critically analyses and applies appropriate strategies to construct meaning from complex texts 	59–61, 104–107, 112
Writing	1.4, 2.1, 2.4, 2.5, 3.7	<ul style="list-style-type: none"> Displays knowledge of required structure and layout, employing broad vocabulary, grammatical structure and conventions appropriate to purpose and audience 	28, 34, 74, 82–84, 89, 107, 121
Oral communication	1.4, 2.5, 3.1, 3.6	<ul style="list-style-type: none"> Conveys information using language and non-verbal features appropriate to the audience 	Through case study discussions with trainer and fellow learners
		<ul style="list-style-type: none"> Employs listening and questioning techniques to clarify and confirm understanding 	30, 88, 97–99
Numeracy	1.2, 1.3	<ul style="list-style-type: none"> Extracts and evaluates the mathematical information embedded in a range of tasks and texts 	28–29, 38–40, 71–72
Navigate the world of work	1.3, 1.4, 2.3, 2.6, 3.2, 3.7	<ul style="list-style-type: none"> Modifies or develops organisational policies to achieve organisational goals and comply with legislative requirements 	12–25, 42–49
		<ul style="list-style-type: none"> Keeps up to date on changes to legislation or regulations relevant to own rights and responsibilities and considers implications of these 	42, 62–64
Interact with others	1.4, 2.3, 3.1, 3.2, 3.4, 3.6, 3.9	<ul style="list-style-type: none"> Collaborates with others to achieve joint outcomes, playing an active role in facilitating effective group interaction, influencing direction and taking a leadership role on occasion 	19, 22–23, 30, 64, 86–87, 91, 99
		<ul style="list-style-type: none"> Actively builds networks that include key people with expert skills and knowledge 	109–112
		<ul style="list-style-type: none"> Uses a range of strategies to facilitate an acceptable outcome for all parties where conflicts occur 	81–84, 86–88, 94–102, 113–115

Skill	Performance Criteria	Description	Learner guide page reference
Get the work done	1.3, 1.4, 1.5, 2.1, 2.2, 2.4, 2.5, 3.2, 3.5, 3.7, 3.8	<ul style="list-style-type: none"> Sequences and schedules complex activities, monitors implementation and manages relevant communication 	30, 58, 65
		<ul style="list-style-type: none"> Uses analytical techniques to identify issues and generate possible solutions, seeking input from others as required, before making decisions or implementing solutions 	94–97
		<ul style="list-style-type: none"> Draws on the diverse perspectives of others to gain insights into current practices and opportunities for change 	18–19, 22, 89–91, 111

Assessment Requirements v1.0

Performance evidence

Evidence of the ability to:	How will the evidence be gathered?
<ul style="list-style-type: none"> analyse organisational documentation to determine long-term employee relations objectives and current employee relations performance 	Tasks 1–4 1.1 Review Questions 1.2 Review Questions
<ul style="list-style-type: none"> collaborate with others to develop and review industrial relations policies and plans 	Case Study – New job, new problems Assessment Task Part C
<ul style="list-style-type: none"> develop implementation and contingency plans for industrial relations policies 	2.1 Review Questions
<ul style="list-style-type: none"> identify the skills and knowledge needed to implement the plan and organise training and development for self and staff 	Case Study – New job, new problems Task 12: Activity – Company training in industrial relations 2.2 Review Questions Assessment Task Part C
<ul style="list-style-type: none"> document and communicate strategies and procedures for eliminating and dealing with grievances and disputes 	Assessment Task Part A Assessment Task Part B
<ul style="list-style-type: none"> train others in conflict-resolution techniques 	Task 17 Review Questions Assessment Activity Part C
<ul style="list-style-type: none"> manage industrial relations conflicts, including advocating the organisation’s position during negotiations and documenting, implementing and following up agreements. 	Task 15: Activity – Procedures manual 2.5 Review Questions Assessment Task Part B

Knowledge evidence

To complete the unit requirements safely and effectively, the individual must:	How will the evidence be gathered?
<ul style="list-style-type: none">• explain relevant industrial relations legislation or regulations	1.4 Review Questions Task 12: Activity – Company training in industrial relations 3.1 Review Questions Task 19: Research Activity – WHS and EEO Task 26: Research Activity – Remedies and penalties Assessment Task Part A
<ul style="list-style-type: none">• summarise enterprise and workplace bargaining processes	1.4 Review Questions Task 24: Research Activity – Approval process 3.5 Review Questions 3.7 Review Questions Assessment Task Part A
<ul style="list-style-type: none">• summarise key entities in the current Australian industrial relations system, including courts and tribunals, trade unions and employer bodies	Task 5: Research Activity – FWC and FWO Task 13: Research Activity – ACTU 2.3 Review Questions 3.4 Review Questions 3.6 Review Questions
<ul style="list-style-type: none">• identify sources of expert advice.	Task 21: Research Activity – External experts 3.4 Review Questions