



ASSESSOR GUIDE

BSBHRM412

SUPPORT EMPLOYEE AND INDUSTRIAL RELATIONS

Assessment 1 of 2

Short Answer Questions



SWINBURNE
OPEN
EDUCATION

Assessment Instructions

This assessment task is divided into eight [8] written questions.

Read each question carefully before typing your response in the space provided.



Assessment Information

Submission

You are entitled to three [3] attempts to complete this assessment satisfactorily. Incomplete assessments will not be marked and will count as one of your three attempts.

All questions must be responded to correctly to be assessed as satisfactory for this assessment.

Answers must be typed into the space provided and submitted electronically via the LMS. Hand-written assessments will not be accepted unless previously arranged with your assessor.



Reasonable adjustment

Students may request a reasonable adjustment for assessment tasks.

Reasonable adjustment usually involves varying:

- the processes for conducting the assessment (e.g. allowing additional time)
- the evidence gathering techniques (e.g. oral rather than written questioning, use of a scribe, modifications to equipment)



However, the evidence collected must allow the student to demonstrate all requirements of the unit.

Refer to the Student Handbook or contact your Trainer for further information.



Please consider the environment before printing this assessment.

Question 1

Answer the following questions about employees' rights and obligations.

- a) Describe the key provisions of the Fair Work Act 2009.

[Approximate word count: 50–60 words]

Assessor Instructions: The student must describe the key provisions of the Fair Work Act 2009.

The response must broadly cover the following key areas:

- Provides a safety net of minimum terms and conditions of employment.
- Allows for enterprise bargaining underpinned by bargaining obligations and rules governing industry action.
- Enables flexible working arrangements that best meet the needs of both workers and employers.
- Protects against unfair or unlawful termination of employment.

- b) Identify the primary legislation for industrial and employee relations covering employment rights and obligations for your state or territory.

Include one (1) relevant code of practice to be observed.

[Approximate word count: 20–30 words]

Assessor Instructions: The primary legislation relating to industrial and employee relations covers employment rights and obligations and a relevant code of practice to be observed in their state/territory.

The student is to identify their state or territory and identify the following:

- Relevant legislation (states and territories generally covered in part by the Fair Work Act 2009 and their own industrial/employee relations legislation).
- Relevant code of practice.

Some examples (not all relevant legislation is listed) are provided for guidance on information to answer the question, but students are not limited to these.

It is essential as the assessor to check the relevant state and territory websites for updates post the publication of this marking guide. Amendments to the employee and industrial relations change, and it is essential to ensure students identify and understand the latest legislative requirements in the workplace.

Through their responses, students demonstrate that they are aware of how state and territory legislation is impacted by changes and amendments made by the Commonwealth and state and territory amendments. There are a variety of different Acts covering industrial relations.

They may include Acts such as the relevant Privacy Act, the WHS Act, the discrimination Acts, etc. This information may also show in the identified Code of Practice, which must be directly related to industrial relations activities.

Queensland:

- The Industrial Relations Act 1999.
- Child Employment Act 2006.
- Pastoral Workers Accommodation Act 1980
<https://www.oir.qld.gov.au/industrial-relations>.
- Public Service Act 2008.

	<ul style="list-style-type: none"> For example, a relevant code of practice in Queensland is the Building and Construction Code of Practice 2000, covering dispute resolution, skill development, and cooperative industrial relations.
South Australia:	<ul style="list-style-type: none"> The private sector employers and employees are covered by the Fair Work Act 2009. The state public sector is still under [2021] state legislation, i.e., the Fair Work Act 1994 [SA]. Work health and safety consultation, cooperation and coordination Code of Practice.
Victoria	<ul style="list-style-type: none"> Long Service Leave Act 2018 [Vic]. Industrial Relations Legislation Amendment Bill 2021 [Vic]. Workplace Injury Rehabilitation and Compensation Act 2013 [Vic]. Crimes Act 1958 [Vic]. Compliance code: Communicating occupational health and safety across languages.
Western Australia	<ul style="list-style-type: none"> Industrial Relations Act 1979 for state system private sector employers and employees. Code of Practice: Working Hours [2006].
Tasmania	<ul style="list-style-type: none"> Industrial Relations Act 1984. Workers Rehabilitation and Compensation Act 1988. Managing the work environment and facilities: Code of practice.
New South Wales	<ul style="list-style-type: none"> Fair Work Act 2009 [Federal] applies to all private industry businesses in NSW. Industrial Relations Act (NSW) 1996 applies to employees of NSW government agencies, e.g., state public service and local councils. The Workers Compensation Act 1987. Independent Contractors Act 2006. Code of Practice Work Health and Safety Consultation, Cooperation and Coordination 2019.
ACT	<ul style="list-style-type: none"> Human Rights (Workers' Rights) Amendment Bill 2019 [ACT]. Courts Legislation Amendment Bill 2019. Work Health and Safety Act 2011. The ACT Discrimination Act 1991. Long Service Leave Act 1976. <p>https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/4201/~/-/legislation-and-codes-of-practice</p>
Northern Territory	<ul style="list-style-type: none"> Fair Work Act 2009 [Cth] covers all employees, i.e. both private sector and public. Anti-Discrimination Act 1992. Work health and safety consultation, cooperation and coordination.

Question 2

Answer the following questions about the National Employment Standards and an employer's responsibility when onboarding a new staff member.

Assessor Instructions: The information provided by the student must be accurate and written clearly and concisely and explain the National Employment Standards (NES) and an employer's responsibility when onboarding new staff.

- a) Explain the purpose of the National Employment Standards.

[Approximate word count: 90-100 words]

Accept variations of the following information:

The national employment standards are ten minimum employment entitlements that must be provided to all employees on employment or within a short time of employment (Fair Work Information Statement). The NES is designed to ensure that all employees in Australia have access to a minimum set of employment conditions.

The purpose of the NES is to describe in some detail the minimum requirements employers need to make available to their employees, be they full-time, part-time or casual. They cover areas such as personal/carer's leave, annual leave and flexible working arrangements, to mention a few.

- b) Outline the ten [10] key employment conditions addressed by the National Employment Standards by completing the table below.

[Approximate overall word count: 350-400 words]

Assessor Instructions: The response must identify all ten minimum entitlements and briefly explain each entitlement.

The Fair Work website <https://www.fairwork.gov.au/employee-entitlements/national-employment-standards> has complete information on each of the entitlements. As some things change, always check the latest information off the website when marking assessments.

The response must address the following key points.

Key employment condition	Brief explanation
Maximum weekly hours	A full-time employee works a maximum of 38 ordinary hours a week – there are different hours for employees other than full-time.
Flexible working arrangements	Certain employees have the right to request flexible working arrangements. Employers can only refuse these requests on reasonable business grounds. Flexible working arrangements (e.g., changes to hours, patterns or locations of work) have rules to follow for both the employee and how to make a request and how the employer should respond.
Parental leave	Employees can get parental leave when a child is born or adopted and have the right to return to their old job.
Annual leave	All employees except for casual employees are entitled to paid annual leave.

Sick and personal leave	They are taken to help deal with personal illness, caring responsibilities and family emergencies. Sick leave can be used if an employee is ill or injured.
Compassionate and bereavement leave	All employees (including casual employees) are entitled to compassionate leave. Compassionate leave can be taken when an employee's immediate family or household member dies or suffers a life-threatening illness or injury.
Family and domestic violence leave	All casual and part-time employees are entitled to five days of unpaid family and domestic violence leave annually.
Community service leave	Employees, including casual employees, can take community service leave for certain activities such as voluntary emergency management and jury duty (including attendance for jury selection). All community service is unpaid, except for jury duty.
Long service leave	An employee gets long service leave after working for the same employer for a period of time. Most employees' entitlement to long service leave comes from long service leave laws in each state or territory.
Public holidays	All employees are entitled to public holidays, which vary by state and territory. You need to know when public holidays are because employees can get different entitlements these days.
Notice and final pay	Not all employees are required to give or receive notice, e.g., casuals. Final pay can be paid out instead of worked. A notice period is a length that an employee or employer must give to end employment. To end an employee's employment (firing or terminating employment), an employer must provide an employee written notice of their last day of work, as there are some exemptions.
Fair work information statement	Employers must give every new employee a copy of the Fair Work Information Statement (the Statement) before or as soon as possible after starting their new job.

- c) Where can you find out more information about the standards?
 Include the website address.
 [Approximate word count: 10 words]

Assessor Instructions: The following is the only correct answer to be provided by the student.

Fair Work Ombudsman, National Employment Standards
<https://www.fairwork.gov.au/employee-entitlements/national-employment-standards>

d) What are two [2] ways a manager ensures the standards are followed?

[Approximate word count: 40-45 words]

Assessor Instructions: Accept variations of the following information.

- Managers will need to liaise with HR representatives within the organisation to ensure the rights of employers and employees are upheld.
- Managers will work with HR to secure an agreement within the law that meets the organisation's needs, managers and workers.

Question 3

Your manager has asked you to explain the enterprise bargaining process at your next team meeting and the following managers' meeting. Ensure your information is accurate, clear, and concise for the intended audience.

Assessor Instructions: The student will need to explain the enterprise bargaining process, ensure that all relevant processes are identified, and address the different approaches required to provide this information to the two groups. The student's information must be accurate, written clearly and concisely.

a) What would you cover in your explanation?

[Approximate word count: 70-75 words]

Accept variations of the following exemplar response:

- Definition of enterprise bargaining (EB)
- Who can participate?
- What are the rights and responsibilities of each party (employer and employee)?
- What are the desired outcomes of EB?
- What is the BOOT?
- Does a trade union have to be involved in the discussion?
- How does an enterprise agreement (EA) get approved?
- How long is an EA valid for?
- What might change to the new Federal government's introduction of the EB process?

b) How will you ensure you provide accurate written and oral advice about the enterprise bargaining process?

[Approximate word count: 35-40 words]

Assessor Instructions: Accept variations of the following exemplar response.

I will ensure I provide accurate written and oral advice by following organisational policies, procedures, and legislation on enterprise bargaining. Check the information found on Enterprise Bargaining on the Fair Work Ombudsman website for the most up-to-date information.

- c) What listening and questioning techniques will you use to ensure the audience participates in discussions to prompt the views of others and to clarify or confirm understanding?
[Approximate word count: 40 words]

Assessor Instructions: Accept variations of the sample answer provided below.

- Direct questions to individual class participants
- Have open questions addressed to the whole group [i.e. not to individuals]
- Use active listening techniques, e.g. “What I’m hearing you say is....”
- Use brainstorming
- Use small group work to solicit all participants’ views

- d) List ways communication would differ in informing the two groups about enterprise bargaining. Provide one (1) example for each group in the table below.
Include what conventions and protocols you would use when communicating with the two different groups.

[Approximate word count: 40 words]

Assessor Instructions: except variations of the following.

Team meeting	Use simple language, stress pros and cons on how it relates to them, be open to concerns, and discuss possible outcomes.
Managers meeting	Present the big picture, describe the IR landscape to add context, and describe the interpersonal skills required to participate in EB.

Question 4

Outline the role of trade unions in the Australian workplace relations system and explain whether employees are required to join a union.

[Approximate word count: 50-55 words]

Assessor Instructions: The response must broadly cover the following.

Trade unions have an essential role in Australia’s workplace relations system, with a critical role in acting as employee representatives during workplace disputes and bargaining representatives during negotiations. However, all employees and independent contractors are free to choose to join or not join a union.

Question 5

Outline the role of the Fair Work Commission in Australia’s national workplace relations system.

[Approximate word count: 50-55 words]

Assessor Instructions: The response must broadly cover the following.

The Fair Work Commission’s role is to set award pay rates and conditions and help employers and employees work towards cooperative and productive workplace relations. The Commission helps with unfair dismissal

and sexual harassment, actively supporting workplaces to prevent disputes and helping resolve them when they occur.

Question 6

List two [2] sources of expertise when seeking industrial relations advice.

Include the name of the organisation and the services they provide.

[Approximate word count: 170 – 200 words]

Assessor Instructions: Response must include two [2] from the list.

Sources must be specific to the state or territory jurisdiction the student is studying.

Accept similar variations of the following.

- The Fair Work Ombudsman: provides expert advice on pay, leave, dismissal, employee entitlements and awards and agreements.
- Private sources of expertise such as:
 - IHR Australia. The company offers a wide range of workplace relations/industrial relations services to assist professional organisations in managing their regulatory requirements and adopting best-practice employment principles.
 - IRSWA [Industrial relations society of western Australia] fosters discussion on research, education and publication in the industrial relations field.
 - Master Builders Victoria is an in-house professional with industrial relations and human resource management expertise.
- State/territory-based bodies: NSW Industrial Relations work with employers and employees to achieve fair, equitable and productive workplaces.
 - NSW IR supports the NSW Government as a participant in the national workplace relations system by monitoring and advising workplace relations developments and initiatives.
 - Industrial Relations Victoria (IRV) is the Victorian lead agency to develop IR policy and initiatives.
 - Wage Inspectorate Victoria raises awareness about worker and employer rights and responsibilities and state-specific laws.

Question 7

Answer the following questions about workplace policies.

- a) Explain what a workplace policy means in relation to employee and industrial relations and give two [2] reasons why they are beneficial to an organisation.

[Approximate word count: 130-150 words]

Assessor Instructions: Accept similar variations of the following.

A policy is a statement that supports how an organisation's human resource management issues are handled and dealt with. It outlines and sets the performance and behaviour standards and expectations employers have of their employees. A policy communicates the organisation's values to its employees.

The student must refer in their response to reasons for policies being beneficial to the organisation to:

- Consistency and fairness.
- Compliance with legislation.

Accept similar variations of the following.

Policies are beneficial to the organisation as they enable employees and employers to comply with employment and other relevant industrial and employee relations legislative requirements. They provide a framework to help decision-making to allow problems to and issues to be handled quickly, fairly, effectively, reasonably and with integrity by using a consistent process outlined in the policy and detailed in the procedure related to it.

Students may provide other reasons such as clarifying responsibilities, accountabilities and functions; stability, uniformity and consistency of actions; maintaining the organisation's values and directions in times of change.

b) List three [3] workplace policies related to employee and industrial relations.

Assessor Instructions: Accept any workplace policies relevant to the employee and industrial relations.

The students may refer in their response to:

- Employment and recruitment policies.
- Anti-discrimination and harassment policies.
- Grievance/conflict handling policies.
- Using social media and mobile phone policies.
- Discipline and termination policies.

c) Select one [1] of the policies you have listed and outline the procedure that might be written to underpin the policy or parts of the policy.

Assessor Instructions: The steps provided by the student do not need to be detailed but should be sufficient to show the student understands the difference between a policy and procedure. They may only present procedures for one part of the policy.

[Approximate word count: 95-100 words]

An exemplar answer is provided below with the key components the student must cover. For example, the student might choose an employment and recruitment policy. Part of the policy might be that no person is disadvantaged, and every person has the opportunity to apply, whether internal or external, to the organisation. This means that all persons meeting the selection criteria can attend the interview. The procedure to ensure this occurs is to:

- A selection committee was formed.
- Selection criteria decided.
- The job description is written.
- The position is advertised internally/externally.
- Shortlist created.

- Interviews arranged.
- Interviews conducted.
- The selection committee agreed to a decision.
- Preferred applicant's references checked.
- Applicant choice approved.
- Formal job offer sent to approved applicant.

d) List the key features of grievance resolution policy and procedures and briefly describe each.
[Approximate word count: 100-110 words]

Assessor Instructions: The response must list the critical features of grievance resolution policy and procedures and a brief description. Key components to be included are provided below.

- Definition – what is a grievance resolution policy – it is essential to describe what the policy is about.
- Who does it apply to in the workplace? – what procedures will be in place to fulfil the policy?
- What sort of issues might be dealt with by a grievance procedure? – For example, a conflict between staff and customer dissatisfaction.
- How does it work – i.e., what exactly is the procedure – list the different stages from lodgement to resolution?
- A confidentiality clause – to ensure all information is kept private.
- A statement on the protection of the person (s) making the complaint or lodging the grievance.
- Possible outcomes – include solutions and follow-up meetings.

Question 8

In your own words, discuss how employee relations and industrial relations are applied in the workplace.

[Approximate word count: 160-170 words]

Assessor Instructions: Students must write in their own words and refer in their response to the following key components.

- Some cross-over legislative requirements and policy and procedure between industrial and employee relations regarding contractual requirements, safety, annual leave, conflict management, etc.
- Industrial relations focus more on the role of the regulatory body and the legislative requirements and how it affects groups of workers and employers. It often involves more than the employer and employee. It covers collective bargaining, agreements and awards, the role of management, unions (where applicable) and government, disciplinary policy and practice and worker grievance redress. It covers the rules, policies and procedures to protect employer and employee interests and regulates employer and employee behaviour.
- Employee relations refer to the human working relationships between employers and employees. The objective is to improve communication and collaboration and strengthen relationships in the workplace to minimise conflict and enhance productivity. This is often undertaken through policy and procedure to address conflict, keep workers safe and healthy and consider worker wellbeing.

Assessment checklist:

Students must have completed all questions within this assessment before submitting. This includes:

1	Eight (8) short answer questions must be completed in the spaces provided.	<input type="checkbox"/>
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Congratulations, you have reached the end of Assessment 1!

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