

<b>UNIT CODE</b>	<b>PSPWPI001</b>
<b>UNIT TITLE</b>	<b>Evaluate workplace legislative compliance</b>
<b>APPLICATION</b>	<p>This unit describes the performance outcomes, skills and knowledge required to identify work health and safety (WHS) issues, assess workplaces for compliance/non-compliance, advise on control measures and report on compliance activities. This includes acting to minimise risks to workers, the public and/or the work environment and recording outcomes of compliance activities.</p> <p>This unit applies to individuals working independently to inspect and evaluate workplaces for compliance with their jurisdictional requirements.</p> <p>The skills in this unit must be applied in accordance with Commonwealth and State or Territory legislation, Australian standards and industry codes of practice.</p> <p>Authorisation under jurisdictional legislation is a requirement to act in WHS regulatory roles at time of publication.</p> <p>No occupational licensing, certification or specific legislative or certificate requirements apply to this unit at the time of publication.</p>
<b>PREREQUISITE UNIT</b>	Nil
<b>COMPETENCY FIELD</b>	Regulatory
<b>UNIT SECTOR</b>	Workplace inspection

<b>ELEMENTS</b>	<b>PERFORMANCE CRITERIA</b>
<i>Elements describe the essential outcomes</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Determine jurisdictional parameters	1.1 Identify and confirm jurisdictional boundaries according to legislation. 1.2 Identify and confirm regulator powers according to legislation. 1.3 Identify and confirm own powers according to legislation and organisation policies and procedures.

2. Evaluate allegation of non-compliance	<p>2.1 Assess preliminary information provided.</p> <p>2.2 Conduct background checks and research into issues raised.</p> <p>2.3 Identify potential risks and strategies to minimise those risks associated with the exercise of regulatory powers.</p> <p>2.4 Determine procedures, timeframes, resources and equipment requirements for self and others.</p> <p>2.5 Identify and confirm compliance requirements of the legislation, standards, codes of practice and relevant policy and procedures for situations raised in allegations of non-compliance.</p> <p>2.6 Identify and refer issues outside organisational jurisdiction in accordance with policies and procedures.</p> <p>2.7 Implement and maintain records according to organisation jurisdiction requirements and policy and procedures, including security and confidentiality requirements.</p>
3. Assess compliance of the designated workplace	<p>3.1 Identify self and reasons for visit to the workplace.</p> <p>3.2 Select evidence collection methods following organisational policies and procedures.</p> <p>3.3 Identify and record non-compliance and details of possible breaches.</p> <p>3.4 Prioritise issues relating to workers, public and work environment.</p> <p>3.5 Identify and refer issues outside organisational jurisdiction in accordance with policies and procedures.</p>
4. Advise on control measures	<p>4.1 Identify the elements of each offence under relevant legislation.</p> <p>4.2 Determine evidence based remedies to address non-compliance.</p> <p>4.3 Provide directions to assist in addressing non-compliance</p> <p>4.4 Negotiate compliance timeframes.</p>
5. Record actions associated with non-compliance	<p>5.1 Compile appropriate notices in accordance with jurisdictional and legislative requirements.</p> <p>5.2 Issue and explain rights and obligations of notices to relevant persons.</p> <p>5.3 Compile reports that address all issues raised in accordance with jurisdictional policies and procedures.</p>
6. Undertake compliance activity	<p>6.1 Re-visit the workplace post interaction in accordance with jurisdictional and legislative obligations.</p> <p>6.2 Identify and make evidence based decisions to support further action as a result of failure to achieve compliance.</p> <p>6.3 Record outcome of compliance activity in accordance with jurisdictional policies and procedures.</p>

## FOUNDATION SKILLS

*Foundation skills essential to performance in this unit, but not explicit in the performance criteria are listed here, along with a brief context statement.*

SKILLS	DESCRIPTION
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Reading skills to:	<ul style="list-style-type: none"> <li>■ interpret, analyse and explain complex and formal documents, including legislation and their application to client situations.</li> </ul>
Writing skills to:	<ul style="list-style-type: none"> <li>■ record and report on workplace legislative compliance to ensure evidence validating decisions is available.</li> </ul>
Oral communication skills to:	<ul style="list-style-type: none"> <li>■ interpret, analyse and explain complex and formal documents, including legislation and their application to client situations.</li> </ul>
Planning and organising skills to:	<ul style="list-style-type: none"> <li>■ sequences and schedules a range of routine and complex activities within legislative parameters and manages relevant communication</li> <li>■ systematically analyses information to decide on appropriate compliance actions</li> <li>■ refers to legislative and jurisdictional frameworks when making decisions about workplace legislative compliance.</li> </ul>
Technology skills to:	<ul style="list-style-type: none"> <li>■ access legislation and apply related systems which apply to legislative compliance systems and processes.</li> </ul>
<b>UNIT MAPPING INFORMATION</b>	Release 1: Supersedes but is not equivalent to PSPWPI001 Evaluate workplace legislative compliance.
<b>LINKS</b>	Companion Volume Implementation Guide

<b>TITLE</b>	Assessment Requirements for PSPWPI001 Evaluate workplace legislative compliance
<b>PERFORMANCE EVIDENCE</b>	<p>Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and provide evidence of performance on at least one occasion for each of the following in relation to evaluating workplace compliance:</p> <ul style="list-style-type: none"> <li>■ engage in communication to provide advice on legislation relevant to compliance, using complex exchanges of oral information</li> <li>■ interpret, analyse and explain complex and formal documents, including legislation and their application to client situations</li> <li>■ use mediation and/or negotiation</li> <li>■ undertake conflict resolution</li> <li>■ use analysis to interpret assessment</li> <li>■ use equipment and technology</li> <li>■ evaluate workplace legislative compliance.</li> </ul>

<b>KNOWLEDGE EVIDENCE</b>	<p>Demonstrated knowledge required to complete the tasks outlined in elements and performance criteria of this unit:</p> <ul style="list-style-type: none"> <li>■ principal legislation, including: <ul style="list-style-type: none"> <li>◦ work health and safety</li> <li>◦ workers compensation</li> <li>◦ injury management</li> </ul> </li> <li>■ performance standard in the legislation</li> <li>■ jurisdictional policies, procedures, guidelines and protocols</li> <li>■ impact of hazards and issues on persons</li> <li>■ strengths and weaknesses of possible control measures and the reasons for choosing practicable solution</li> <li>■ principles of evidence based decision making</li> <li>■ principles of WHS risk management, including hierarchy of controls: <ul style="list-style-type: none"> <li>◦ prior to conducting a workplace assessment, and when assisting with workplace compliance</li> </ul> </li> <li>■ technical features associated with hazards and potential risks as these relate to jurisdictional issues.</li> </ul>
<b>ASSESSMENT CONDITIONS</b>	<p>Skills must be demonstrated in either:</p> <ul style="list-style-type: none"> <li>■ a workplace environment or</li> <li>■ a simulated environment.</li> </ul> <p>Simulated assessment environments must simulate the real-life working environment where the skills and knowledge within this unit would be utilised, with all the relevant equipment and resources of that working environment.</p> <p>Assessment must ensure access to:</p> <ul style="list-style-type: none"> <li>■ legislation, policy, procedures and protocols relating to workplace legislative compliance.</li> </ul> <p>Assessors must satisfy the Standards for Registered Training Organisations' requirements for assessors.</p>
<b>LINKS</b>	Companion Volume Implementation Guide