



**ASSESSOR GUIDE**

**BSBHRM529**

# COORDINATE SEPARATION AND TERMINATION PROCESS

Assessment 1 of 2

Short Answer Questions



SWINBURNE  
OPEN  
EDUCATION

## Assessment Instructions

### Task overview

This assessment task is divided into seven (7) short answer questions. Read each question carefully before typing your response in the space provided.

### Supporting documents

- CBSA Immediate (Summary) Dismissal Policy & Procedure

You will need to access the following website:

- Fair Work Ombudsman <https://www.fairwork.gov.au/>

## 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

List the eleven (11) key provisions of the National Employment Standards (NES) and explain how they inform employee contracts.

[Approximate word count: 150 words]

### Assessor Instructions:

The response must list the following:

- Ten key provisions of the National Employment Standards are as follows:
  1. Maximum of 38 hours to be worked per week plus reasonable additional hours.
  2. Right for certain employees to request flexible working arrangements.
  3. Parental leave entitlements.
  4. Annual leave entitlements.
  5. Personal leave entitlements.
  6. Community service leave.
  7. Long service leave.
  8. Public holiday working provisions.
  9. Notice of termination and redundancy.
  10. Provision of a Fair Work Information statement.
  11. Offers and requests to convert from casual to permanent employment.
- The response must explain how these statements inform employee contracts. Responses must be consistent with the following.
  - Contracts cannot specify terms less than *those* detailed in the NES.
  - Casual workers do not receive all the entitlements that permanent employees receive.
  - Part-time employees will receive a prorated amount of leave, depending on how many hours per week they work.
  - Public holidays can vary from State to State.
  - Long Service Leave entitlement is based on individual state legislation.

## Question 2

List five points (in addition to those addressed under National Employment Standards) typically addressed in employment contracts.

[Approximate word count: 25-30 words]

### Assessor Instructions:

The response must include five from the following list:

- Nature of employment, e.g., Contractor, casual or permanent.
- Hours of work - full-time or part-time.
- Working days, hours and breaks.

- Location of employment.
- Confidentiality or non-compete clauses.
- Remuneration and pay cycle.
- Bonus/commission scheme.
- Benefits such as mobile phone, laptop, etc.
- Termination conditions.
- Post-employment constraints.

### Question 3

Complete the table outlining the key provisions of workers' employment rights and conditions in the following legislation.

You will need to access the Fair Work Ombudsman website's information on legislation to complete the following table. Use the following URL:

<https://www.fairwork.gov.au/about-us/legislation>

[Approximate overall word count: 90 words]

**Assessor Instructions:** Responses must be consistent with the descriptions provided below.

Fair Work Act 2009	<ul style="list-style-type: none"> <li>- Sets safety net of minimum terms and conditions.</li> <li>- Defines enterprise-level collective bargaining and rules for industrial action.</li> <li>- Provides for individual flexible working arrangements to be negotiated between employer and employee.</li> <li>- Protects against unlawful termination.</li> <li>- Defines rules and responsibilities for worker representation.</li> </ul>
Corporations Act 2001	The primary legislation regulating companies in Australia. It covers companies and other entities, such as partnerships. Handles matters including how to register a company and how businesses should behave during insolvency.
Privacy Act 1988	Defines how information collected about individuals should be protected.
Independent Contractors Act 2006	Protects the rights of genuine independent contractors to enter into a contract for services and prevents interference by any other party.

## Question 4

Read the scenario and answer the questions that follow.

You will need to access the Fair Work Ombudsman website's information on best practice systems of separation and termination and the legal requirements to answer the following questions.

Use the following URL:

<https://www.fairwork.gov.au/tools-and-resources/fact-sheets/minimum-workplace-entitlements/ending-employment>

Abby Smith is a Trainer with CBSA. Her role is to provide a range of IT training events to CBSA's clients both at their place of work and at CBSA's offices. She has been with CBSA for five years and has worked in the corporate training industry for over 20 years.

Abby has a larger-than-life personality and is well-liked by CBSA's clients for her down-to-earth attitude and ability to bring a sense of fun to IT training. Training sessions run by Abby can be loud affairs due to the many jokes she weaves into her training and her booming laugh. Feedback gathered from training sessions is overwhelmingly positive. However, there is the odd comment about Abby's colourful language and tendency to tell (what to some are) off-colour jokes.

A new staff member, Brenda, has recently joined CBSA. Brenda attended one of Abby's sessions to learn about the business while brushing up on her IT skills.

After the session, Brenda made a cup of tea in the kitchen alongside Jimmy, another CBSA employee. Whilst making their respective drinks and chatting about their week, Jimmy asked Brenda how the session with Abby had gone. Brenda said it was fantastic, and she'd learned a lot before joking that Abby had the group in stitches laughing at her story about having had too much to drink on the weekend and dancing on the table at her local pub.

Unbeknownst to Jimmy and Brenda, another staff member, Tracey (a fellow IT Trainer), had come into the kitchen and heard the back end of the discussion. She immediately reported the exchange to Steve Alfonso, CBSA Training Manager, stating that Brenda had told Jimmy that Abby had been bragging to CBSA staff and clients about how drunk she was on the weekend.

Steve immediately called Abby and Tracey into a meeting and asked Tracey to repeat what she had heard. Tracey repeated that she heard Brenda tell Jimmy that Abby was bragging about her drinking exploits during the training session.

Steve advised Abby that she had to leave the premises immediately and await contact from the HR Department, who would be in touch to inform next steps. Abby, feeling somewhat blindsided, asked if she and Steve could discuss the matter privately, but Steve refused.

The following day, Abby received an email from Glenda Williams, HR Manager, advising that she was dismissed immediately due to gross misconduct. She would receive payment for her contracted four-week notice period and accumulated annual leave.

### Assessor Instructions:

The student must demonstrate that they can:

- research features of best practice systems of separation and termination and the legal requirements
- ensure procedures for dismissal or termination are according to legislative requirements and organisational policies and procedures
- ensure human resources staff, managers, and supervisors have the necessary skills and knowledge to undertake disciplinary action.

**4.1** Discuss whether CBSA has followed legislative requirements and established best practices concerning performance management and dismissal. In your response, address the following:

- a) Examine whether the above scenario reflects cause for instant dismissal as outlined in Fair Work Australia legislation.

[Approximate word count: 50-60 words]

**Assessor Instructions:** Response must demonstrate whether CBSA has followed legislative requirements and best practices concerning performance management and dismissal.

- The response must be that CBSA **has not** followed legislative requirements and best practices.

It must include whether the scenario reflects cause for instant dismissal as outlined in Fair Work Australia legislation. This must include the following:

- Analysis of legislation and information published by Fair Work Australia to identify that the scenario does not reflect grounds for instant dismissal.

- b) Outline other legislative/industrial relations frameworks or instruments that may apply to this scenario.

[Approximate word count: 40-50 words]

### Assessor Instructions:

The response must outline other legislative/industrial relations frameworks or instruments that might apply to this scenario. Responses must be consistent with the following.

For example:

- Anti-Discrimination Act 1998
- Sex Discrimination Act 1984
- General Protection provisions of the Fair Work Act 2009
- The Privacy Act 1988
- The Small Business Fair Dismissal Code (if CBSA employs fewer than 15 employees)
- MA000077 Educational Services (Teachers) Award 2020
- CBSA's Code of Conduct
- Other HR policies CBSA may have relevant to the matter
- Abby's employment contract

**4.2** Consider best practices as outlined by the Fair Work Ombudsman.

- a) Explain termination and dismissal best practices as outlined by Fair Work Ombudsman.

[Approximate word count: 50-60 words]

**Assessor Instructions:** Response must describe termination and dismissal best practices as outlined by Fair Work Australia. Responses must be consistent with the following.

For example:

- Description of best practice:
  - Follow a performance management process, including performance management meetings.
  - Allow the employee to have support present if she wishes.
  - Outline improved performance requirements.
  - Provide clear warning of required performance and allow time to show improvement.
  - Advise that dismissal may follow if no improvement is made.
  - Provide a written warning.

b) Describe how the process outlined in the scenario deviates from best practice.

[Approximate word count: 50 words]

**Assessor Instructions:** The response must identify how CBSA deviated from this process. Responses must be consistent with the following.

For example:

- Not following a process (including meeting with the employee) to firstly work to improve performance.
- Not outlining areas of underperformance and allowing the opportunity for improvement.
- Not providing a written warning.
- Dismissing Abby in a manner more consistent with serious misconduct when this was not warranted.

**4.3** Consider the skills and knowledge required to manage a disciplinary process.

a) Outline the skills and knowledge required by staff responsible for managing disciplinary processes.

[Approximate word count: 50-60 words]

**Assessor Instructions:** Response must describe the skills and knowledge required by staff when managing disciplinary processes. Responses must be consistent with the following.

For example:

- Awareness of workplace policies, procedures and documentation concerning disciplinary procedures.
- Awareness of legislative requirements for managing disciplinary processes.
- The ability to manage processes with sensitivity and clear communication.
- Knowledge of privacy and confidentiality requirements.

- The ability to listen to employee concerns and viewpoints.
- Assertiveness combined with an ability to deliver relevant feedback.

b) Consider whether the actions in this scenario reflect those skills in your response for a).  
 [Approximate word count: 40-50 words]

**Assessor Instructions:** Response must describe whether actions taken in the case study reflect an awareness of the skills and knowledge required. Responses must be consistent with the following.

For example:

CBSA staff members did not exhibit the skills and knowledge required.

- Unwillingness to discuss the situation.
- Dismissal without following performance management/disciplinary process.
- Discussing the matter in front of another staff member (Tracey).
- Steve is not sensitively handling the problem – knee-jerk reaction.

**4.4** Complete the following table by outlining two [2] ways in which CBSA could:

- identify whether staff have the necessary skills to manage a disciplinary process
- address any knowledge/performance deficiencies to support staff in managing the process efficiently.

[Approximate word count: 40 words]

Manage disciplinary processes	Address any knowledge/performance deficiencies
<b>Assessor Instructions:</b> The response must list two methods to identify the required skills. Responses must reflect the exemplar descriptions provided below.	<b>Assessor Instructions:</b> Response must list two methods to address knowledge or performance deficiencies. Responses must reflect the exemplar descriptions provided below.
1. <ul style="list-style-type: none"> <li>- conducting a gap analysis</li> <li>- reviewing training records/staff experience</li> </ul>	1. <ul style="list-style-type: none"> <li>- internal coaching or mentoring</li> <li>- sitting in/shadowing on disciplinary processes</li> </ul>
2. <ul style="list-style-type: none"> <li>- conducting role play demonstration of skills</li> <li>- discussion with workers.</li> </ul>	2. <ul style="list-style-type: none"> <li>- external training courses</li> <li>- roleplaying.</li> </ul>



### Question 5

What are two [2] methods for gathering feedback?

[Approximate word count: 10 words]

**Assessor Instructions:** The student's responses must provide examples for gathering feedback. Exemplar responses are provided below.

1.	Schedule a meeting with a peer or leader
2.	Pulse surveys  Other suitable responses can include the following: Submit documentation and ask for comments/annotation Anonymous Survey Box Peer Assessment

### Question 6

List the four [4] key steps to take when you want to suggest improvements to management on organisational operations.

[Approximate word count: 30 words]

**Assessor Instructions:** The student's responses must be consistent with the following.

Step 1	Collect information to understand the process or issue
Step 2	Research best practice
Step 3	Identify an alternate process or change needed
Step 4	Escalate/email process owner to suggest an improvement, referencing issue/experience and research

### Question 7

Read the scenario and answer the question that follows.

To answer the following questions, you will need to access the CBSA Immediate [Summary] Dismissal Policy and the Fair Work Ombudsman website's information on best practices for performance management and dismissals.

Use the following URL:

<https://www.fairwork.gov.au/employment-conditions/performance-in-the-workplace>

Ronny Baine is a Customer Service Officer with CBSA. His role is to answer customers' queries when they call Customer Service with product issues.

He has been with CBSA for two years, and this is his first job in the Customer Service industry. His colleagues like him as he likes to make people laugh, so Ronny feels quite comfortable in his position at CBSA.

Ronny has had all the necessary training for his role, including an induction program and a Customer Service course with CBSA trainers. Ronny likes to make jokes to develop rapport with upset or angry customers. The problem is that several customers recently have provided feedback that they do not like the service officers' off-colour jokes.

Maggie is Ronny's Team Leader, and Maggie has been supervising his calls. She has told him several times that joking with customers was inappropriate as it does not sensitively deal with a customer who has an issue or is upset about a product. Maggie has asked Ronny to avoid jokes, but he either makes a joke about it with her or ignores her.

Maggie has spoken with her manager and decided it is time to begin a disciplinary process. Maggie and her Manager drafted a letter to Ronny advising that a disciplinary procedure will be commenced that may result in their dismissal, outlining the cause as threatening the reputation or business viability of CBSA.

Maggie then schedules a meeting with Ronny and her Manager to discuss the negative feedback from customers and how he has not listened to what his Team Leader has asked him to do on several occasions.

Ronny is provided with a first warning letter and is advised that he has three warnings before further action will be taken that could mean termination of employment should the behaviour continue.

The final part of the meeting involved developing a Performance Improvement Plan in collaboration with Ronny.

Another meeting with Ronnie and his Team Leader, Maggie, has been organised in a week to discuss his progress.

### Assessor Instructions:

The student must demonstrate that they can:

- ensure procedures for dismissal or termination are according to legislative requirements and organisational policies and procedures,

**7.1** Discuss whether Maggie and her Manager have followed legislative requirements and established best practices as outlined by the Fair Work Ombudsman concerning performance management and the possible dismissal of Ronny.

[Approximate word count: 50-60 words]

**Assessor Instructions:** Response must demonstrate whether CBSA has followed legislative requirements and best practices concerning performance management and dismissal.

- The response must be that CBSA **has** followed legislative requirements and best practices.

It must include whether the scenario meets the requirements outlined in Fair Work Australia legislation. This must include the following:

- Analysis of legislation and information published by Fair Work Australia to identify that the scenario meets the requirements of a fair disciplinary process.

**7.2** Has Maggie and her Manager followed the correct procedures for possible termination of employment according to the CBSA Immediate (Summary) Dismissal Policy & Procedure? Why?

[Approximate word count: 40 words]

- **Assessor Instructions:** Response must demonstrate whether CBSA has followed the correct procedures for possible termination of employment according to the CBSA Immediate (Summary) Dismissal Policy & Procedure.
- The student's response must be: Yes, Maggie and her Manager followed the correct procedures according to policy, as they have followed the steps outlined in the procedures that must be taken before you can dismiss an employee.

### Assessment checklist:

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

1	Seven [7] short answer questions are to 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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