

## Workplace Relations Practitioner Higher Education

### Learning Outcomes

This two day foundational program introduces participants to the higher education workplace relations environment including underlying legal concepts, the various industrial instruments and the practical application of both. The program focuses on what is important for staff working at the forefront of university workplace relations.

#### Introduction to the Employment Relationship

- Distinguish between employment and other forms of work arrangement

#### The Employment Contract

- List the sources of employment rights and obligations
- Understand the requirements for the formation of a valid contract of employment
- Distinguish between express and implied terms
- Understand the circumstances in which a contract may be varied
- Explain the relationship between the employment contract and other instruments

#### Policies and Procedures

- Distinguish between a policy and a procedure
- Explain the value of policies and procedures
- Understand the function of compliance policies and procedures
- Identify the ways in which policies and procedures may minimise liability for employers

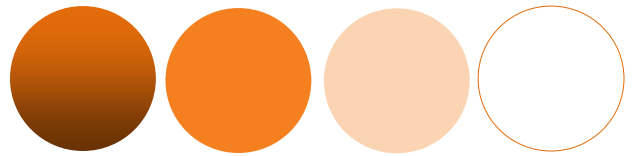
#### Awards

- Define an award and understand its status under the Fair Work Act 2009
- List the 3 modern awards applying in the higher education sector
- Gain an overview of the history of 'pre-reform' awards in the higher education sector
- Understand the key provisions of the higher education modern awards, in particular:
  - fixed term employment provisions
  - salaries and classification system for academic staff
  - directions for taking of annual leave



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- redundancy provisions for academic staff
- salaries and classification system for general/professional staff
- casual employment provisions for general/professional staff

### Agreements

- Define an enterprise agreement and understand its status
- Attain a brief understanding of the history of enterprise bargaining at universities
- Attain an overview of the process of enterprise bargaining
- Identify the principal unions with coverage in the higher education sector
- Understand what is meant by 'good faith bargaining'
- Understand the requirements under the FW Act for approval of an enterprise agreement
- Explain how an agreement can be varied or terminated
- Understand the key concepts in relation to the taking of protected industrial action

### Termination of Employment

- Understand the ways in which the employment contract can terminate
- Distinguish between the unfair dismissal and general protections jurisdictions of the FW Act and understand, in relation to each:
  - who is eligible to make an application
  - the process
  - remedies available
- List the remedies available at common law for termination of employment
- Understand the termination provisions as specified in your university's enterprise agreement and policies, including:
  - misconduct/serious misconduct
  - unsatisfactory performance
  - redundancy
  - probation
  - ill-health
  - fixed-term contracts



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