

41116 Apply alternative methods of dispute resolution to employment-related matters

Kaupae Level	5
Whiwhinga Credit	15
Whāinga Purpose	<p>This skill standard is intended for people working as employment advocates, Human Resources specialists in employment relations, union representatives, workplace mediators, and legal executives.</p> <p>People credited with this standard can effectively apply alternative dispute resolution (ADR) techniques involving negotiation, mediation, and conciliation, including integrating tikanga Māori and other cultural perspectives where appropriate, to employment-related disputes.</p> <p>This skill standard was developed primarily for assessment within programmes leading to the New Zealand Certificate in Employment Advocacy (Level 5) [Ref: 5674].</p>

Hua o te ako me Paearu aromatawai | Learning outcomes and assessment criteria

Hua o te ako Learning outcomes	Paearu aromatawai Assessment criteria
1. Apply legally sound ADR techniques to support clients in resolving employment-related disputes.	a. Explain the purpose and process of ADR techniques involving negotiation, mediation, conciliation, and arbitration.
	b. Apply negotiation, mediation, and conciliation techniques.
2. Integrate cultural competence in resolution of employment disputes.	a. Explain how dispute resolution can integrate tikanga Māori.
	b. Facilitate ADR sessions that are responsive to and inclusive of cultural perspectives other than one's own.

Pārongo aromatawai me te taumata paearu | Assessment information and grade criteria

Assessment specifications:

Assessment evidence must be drawn from scenario-based or real employment disputes.

Facilitating sessions may include assessors or peers.

Assessment must include application of ADR with two different clients.

Assessment evidence must reflect correct application of relevant legislation and regulations and be consistent with The Employment Law Institute of NZ Inc's Code of Conduct.

Definitions

Tikanga Māori refers to the application of Māori values, ethical principles, and culturally appropriate processes to ensure advocacy is conducted in a way that is just (tika), relational, and aligned with Te Ao Māori (the Māori worldview).

Ngā momo whiwhinga | Grades available

Achieved

Ihirangi waitohu | Indicative content

Understanding ADR processes in employment contexts

- ADR processes (mediation, negotiation, conciliation, and arbitration).

Applying negotiation and conflict resolution techniques

- Conflict de-escalation, negotiation skills, positional vs interest-based techniques.

Facilitating ADR sessions

- Active listening, reframing, and assertive communication.
- Role-play facilitation.
- Reflective practice.

Integrating cultural competence in employment dispute resolution

- Understanding one's own cultural perspective(s).
- Culturally appropriate practices such as tikanga Māori and Pacific protocols.
- Resolution documentation.

Rauemi | Resources

- Arbitration Act 1996 – <https://www.legislation.govt.nz/act/public/1996/0099/latest/DLM403347.html>.
- Employment New Zealand – Resolving Problems – [employment.govt.nz](https://www.employment.govt.nz).
- The Employment Law Institute of NZ Inc.'s Code of Conduct - [ELINZ-Code-of-Conduct.pdf](https://www.employment.govt.nz/ELINZ-Code-of-Conduct.pdf)
- Employment Relations Act 2000 – <https://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html>.
- Holidays Act 2003 – <https://www.legislation.govt.nz/act/public/2003/0129/latest/DLM230389.html>.

Pārongo Whakaū Kouna | Quality assurance information

Ngā rōpū whakatau-paerewa Standard Setting Body	Services Industry Skills Board
Whakaritenga Rārangi Paetae Aromatawai DASS classification	Business > Business Operations and Development > Workplace Relations
Ko te tohutoro ki ngā Whakaritenga i te Whakamanatanga me te Whakaōritenga CMR	0112

Hātepe Process	Putanga Version	Rā whakaputa Review Date	Rā whakamutunga mō te aromatawai Last date for assessment
Rēhitatanga Registration	1	26 March 2026	N/A
Kōrero whakakapinga Replacement information	N/A		
Rā arotake Planned review date	31 December 2030		

Please contact Services Industry Skills Board qualifications@servicesisb.nz if you wish to suggest changes to the content of this unit standard.