

ENFORCE COMPLIANCE WITH LEGISLATIONS

UNIT CODE: HRM/OS/BUS/CR/09/6/A

UNIT DESCRIPTION

This unit specifies the competencies required to enforce compliance with legislations. It involves guiding on enabling and related legislation, initiating development of compliance strategies, providing strategic advice on compliance matters, customizing relevant legislations and aligning operations to comply with the legal requirements.

ELEMENTS AND PERFORMANCE CRITERIA

ELEMENT These describe the key outcomes which make up workplace function.	PERFORMANCE CRITERIA These are assessable statements which specify the required level of performance for each of the elements. <i>Bold and italicized terms are elaborated in the Range</i>
1. Guide on enabling and related legislation	1.1 Legislations that require compliance by the organization are identified. 1.2 Interpretation of the legislations is sought from relevant office. 1.3 Brief to organization is prepared and disseminated in line with the SOPs.
2. Initiate development of compliance strategies	2.1 Strategies specific to the compliance requirements are identified. 2.2 Draft tools and mechanisms for compliance are prepared and submitted to the management in line with SOPs. 2.3 Monitor, evaluate and report on the compliance to the legislations in line with the SOPs.
3. Provide strategic advice on compliance matters	3.1 Familiarize with the mandate of the organization 3.2 Organization's compliance requirements are confirmed in line with the SOPs. 3.3 Current status of compliance in the organization established. 3.4 Advice is provided based on the established gaps.

ELEMENT	PERFORMANCE CRITERIA
These describe the key outcomes which make up workplace function.	These are assessable statements which specify the required level of performance for each of the elements. <i>Bold and italicized terms are elaborated in the Range</i>
	3.5 <i>Complex matters</i> related to enabling and related <i>legislation</i> are resolved or referred in accordance with organisational procedures. 3.6 Feedback is obtained on how well the advice/information suits its purpose and audience and is used to recommend further action.
4. Customize relevant legislations	4.1 Legislations that require compliance by the organization are identified. 4.2 Familiarize with the organizations policies and procedures. 4.3 Identify the policies and procedures related to the legislations for customization. 4.4 Modify the organizations policies and procedures to align to legislations.
5. Align operations to comply with the legal requirements	5.1 An audit on operations is carried out in line with the SOPs. 5.2 Audit report prepared and recommendations are made to the management. 5.3 Modifications of the areas identified are made in line legal requirements. 5.4 Monitor, evaluate and report on compliance to the legal requirements in line with the SOPs. 5.5 Reviews done, and adjustments made.

RANGE

This section provides work environments and conditions to which the performance criteria apply. It allows for different work environments and situations that will affect performance.

Variable	Range

1. Complex matters include but not limited to:	<ul style="list-style-type: none"> • Conflicting legislation • Unclear or ambiguous guidelines • Use of legal precedents • Regional or national issues • Issues not previously encountered
2. Legislations include but not limited to:	<ul style="list-style-type: none"> • The Constitution of Kenya • Occupational Safety and Health Act (OSHA) • Employment Act • Labour Institutions Act • Labour Relations Act • Work Injury and Benefits (WIBA) Act • Factories and other places of work Act • Public sector management, financial management • Auditor general • Equal employment opportunity and anti-discrimination • Aspects of common law • Contract law • Administrative law
3. Strategies include but not limited to:	<ul style="list-style-type: none"> • Public education campaigns • Culture change programs • Redesign of organizational documents • Incentive programs • Web site • Help desk • Staff training • Policy changes • Awareness-raising consultations with client groups

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit of competency.

Required Skills

The individual needs to demonstrate the following skills:

- Interpreting legal materials
- Interpersonal
- Communication

- Negotiations
- Critical thinking
- Strategic management

Required Knowledge

The individual needs to demonstrate knowledge of:

- Enabling legislation that govern employment and the work place
- Legal Documents
- Legislation on cross-cutting issues

EVIDENCE GUIDE

This provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge and range.

1. Critical aspects of Competency	<p>Assessment requires evidences that the candidate:</p> <ul style="list-style-type: none"> 1.1 Interpreted various legal documents and advised on enabling and related legislation 1.2 Developed and implemented voluntary compliance strategies 1.3 Provided current legal information that benefitted the client 1.4 Developed strategies that are in to government and organization strategies and policies 1.5 Provided advice based on current information 1.6 Met the specific needs of clients in its range, depth and form of presentation. 1.7 Customized relevant legislations
2. Resource Implications	<p>The following resources should be provided:</p> <ul style="list-style-type: none"> 2.1 Access to relevant workplace where assessment can take place 2.2 Appropriately simulated environment where assessment can take place 2.3 Materials relevant to the proposed activity or tasks
3. Method of Assessment	<p>Competency may be assessed through:</p> <ul style="list-style-type: none"> 3.1 Written questions 3.2 Oral questions 3.3 Observation

	<p>3.4 Projects</p> <p>3.5 Review of portfolios</p> <p>3.6 Review of third party workplace reports</p>
4. Context for Assessment	Assessment may be done in the workplace or in a simulated workplace setting (assessment centers)
5. Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.

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