

**From:** Nicola Dobson [<mailto:ndobson@pageseager.com.au>]  
**Sent:** Friday, 16 February 2018 2:03 PM  
**To:** AMOD  
**Subject:** FW: AM2014/286 Blueline Laundry {172126}

Dear Associate,

I refer to my email below dated 1 February 2018.

Please find **attached** Blueline's written closing submissions for filing in this matter.

Kind regards

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**From:** Nicola Dobson  
**Sent:** Thursday, 1 February 2018 3:21 PM  
**To:** 'amod@fwc.gov.au' <[amod@fwc.gov.au](mailto:amod@fwc.gov.au)>  
**Subject:** AM2014/286 Blueline Laundry {172126}

Dear Associate,

As previously advised, we act for Blueline Laundry Incorporated (**Blueline**) in relation to the above mentioned matter.

In accordance with the Notice of Listing dated 22 January 2018, we are instructed to request the following:

- a. a video-link to be made available to Hobart on Tuesday 13 February 2018 to facilitate Robert Fraser's witness evidence on that date. I note that Mr Fraser will be unavailable on Wednesday 14 February 2018 and we request that this be taken into consideration in scheduling witnesses; and
- b. permission for Blueline to provide written closing submissions instead of attending in person on 15-16 February 2018.

Please don't hesitate to contact me if you require further information.

Kind regards

Nicola Dobson | Lawyer  
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## **FAIR WORK COMMISSION**

### **4 Yearly Review of Modern Awards**

#### **Supported Employment Services Award 2010**

**Matter No: AM2014/286**

### **CLOSING SUBMISSIONS – BLUELINE LAUNDRY INCORPORATED**

1. Blueline Laundry Incorporated (**Blueline**) makes this submission in relation to the 4-yearly review of the *Supported Employment Services Award 2010* (**Award**).

#### **SUMMARY**

2. Further to the submissions and witness statements of Mr Robert Fraser and Mr Peter Godfrey<sup>1</sup> Blueline submits that:
  - (a) its current wage assessment tool, the Blueline Wage Assessment Tool (**WAT**), is consistent with the modern award objectives under section 134 of the *Fair Work Act 2009* (**Act**);
  - (b) a determination that Blueline should exclusively use Supported Wage System (**SWS**) would be detrimental to Blueline's operations and not consistent with the modern award objectives under section 134 of the Act; and
  - (c) if FWC determines that the WAT in its current format does not meet the modern award objectives, FWC should consider options that permit the retention of the WAT subject to any amendments necessary to make the WAT consistent with the modern award objectives.

#### **CURRENT WAGE ASSESSMENT TOOL MEETS THE MODERN AWARD OBJECTIVES**

3. Blueline maintains that the WAT meets the modern award objectives and that, unless merit-based arguments are provided to disprove this conclusion, no change should be made to the Award. We submit that the arguments made by those parties opposing the retention of the WAT have not made out these requirements.
4. The WAT is effective in assessing performance (productivity) and competence and creating job opportunities that otherwise would not exist for supported employees.

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<sup>1</sup> Filed on 21 November 2017

## **USE OF SWS WOULD BE DETRIMENTAL TO BLUELINE**

5. The evidence of Mr Robert Fraser was that the cost of implementing the SWS at Blueline was \$390,956.<sup>2</sup> The unchallenged evidence of Mr Fraser was that a cost increase of this size would have a significant negative impact on the number of supported employees employed by Blueline.<sup>3</sup>
6. Similarly, Blueline may not be able to offer benefits that currently apply including:
  - (a) **holding positions open** – Blueline currently holds positions open for supported employees who leave to gain employment in the open market for 12 months;
  - (b) **no regression in wages** – currently, in circumstances where an employee’s productivity or competency has decreased (such as where an employee has cognitive degeneration due to aging), Blueline does not decrease their wages; and
  - (c) **social activities** – Blueline actively provides and funds social activities for all its employees such as Christmas parties, movie nights and other functions. This is particularly valued by supported employees and their parents and carer’s who often find work is their primary social outlet.

## **AMEND AWARD RATHER THAN PREVENT USE OF BLUELINE WAGE ASSESSMENT TOOL**

7. Blueline maintains that for its workforce the:
  - (a) WAT is the appropriate tool; and
  - (b) SWS is not appropriate for the assessment of wages for supported employees.
8. However, if FWC determines that the WAT does not meet the modern award objectives then Blueline submits that the consideration should be given to amending the Award to the extent necessary to align the WAT with the modern award objectives. This is a preferable outcome to removing the WAT (and all other wage assessment tools) with the SWS particularly when it is likely to negatively impact on the workforce participation of supported employees at Blueline.
9. Blueline submits that this could be achieved by:

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<sup>2</sup> An extract of the report from Synergy was included in the submissions that were filed on 21 November 2017.

<sup>3</sup> Exhibit #41 – Witness Statement of Robert Fraser dated 21 November 2017, paragraph 15.

- (a) requiring wage assessment tools to be incorporated into the Award and/or approved by FWC subject to relevant criterion that are consistent with the modern award objectives; or
- (b) providing a 'grandfathering' arrangement to preserve the WAT to avoid the disproportionate effect on the business of implementing the SWS.