

**From:** Jennifer Zadel [mailto:jzadel@hwle.com.au]  
**Sent:** Monday, 29 October 2018 3:34 PM  
**To:** AMOD  
**Cc:** Sian Gilbert  
**Subject:** AM2014/286 – Supported Employment Services Award 2010 [HWLE-Matter.C0141284.684430]

Dear AMOD Team

**AM2014/286 – Supported Employment Services Award 2010**

On behalf of Civic Disability Services, we **attached** an outline of supplementary submissions in the above matter.

Please contact us if there are any questions regarding the attached submissions.

Kind regards

**Jennifer Zadel**  
Associate



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Our Ref: SPG:JAZ:684430

22 October 2018

Fair Work Commission  
80 William Street  
EAST SYDNEY NSW 2010

**By Email Only**

**Email:** [amod@fwc.gov.au](mailto:amod@fwc.gov.au)

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To the Fair Work Commission


**AM2014/286 4 yearly review of modern award- Supported Employment Services Award**

We act on behalf of Civic Disability Services in the above matter.

Please find **attached** supplementary submissions in this matter filed on behalf of our client pursuant to the Statement of the Full Bench dated 11 September 2018.

Please contact us if there are any questions regarding the attached submissions.

Yours sincerely



**Sian Gilbert**

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**SUPPLEMENTARY SUBMISSIONS**

1. We refer to the 4 yearly review of the *Supported Employment Services Award 2010 (SES Award)*.
2. We further refer to the:
  - a. statement of the Full Bench on 16 April 2018 which detailed the provisional conclusions in this matter as detailed in the statement (**Provisional Conclusions**); and
  - b. statement of the Full Bench on 11 September 2018 which invited interested parties to file supplementary submissions regarding:
    - i. the merit of the Provisional Conclusions; and
    - ii. any proposal concerning the design and implementation of the new wage assessment mechanism outlined in the Provisional Conclusions.

**(September Statement)**

3. These submissions are filed pursuant to the September Statement.

**Merit of the Provisional Conclusions**

4. In principal, Civic agrees with the Provisional Conclusions.
5. Civic strongly supports the Provisional Conclusions of the Full Bench that:
  - a. at (3), the Supported Wage System (**SWS**) does not represent an appropriate method for determining the wage rates for supported employees in Australian Disability Enterprises (**ADEs**); and
  - b. at (4), the modified SWS does not represent an appropriate method for determining the wage rates for supported employees in ADEs.
6. The Provisional Conclusions at (3) and (4) are consistent with the submissions advanced and supported by Civic in its written submissions dated 21 November 2017 and during the hearing of this matter in February 2018.
7. Civic also agrees with and supports the Provisional Conclusions regarding a new wage assessment tool. In particular, Civic supports a tool which includes a hybrid model involving both:
  - a. a job sizing assessment (work value assessment); and

- b. an output determination comparing the output of a person without the employee's disability performing the same job taking into account non-productive periods and providing for objective benchmarking.

**(New Wage Assessment Tool)**

8. Civic is of the view a New Wage Assessment Tool including the hybrid model set out above will meet the objectives of fairness, equality, objectivity, independent and sustainability.

**Implementation of the New Wage Assessment Tool**

9. Civic submits the Full Bench ought to make a decision which:
  - a. determines to proceed with the Provisional Conclusions;
  - b. details the proposed terms of the New Wage Assessment Tool;
  - c. sets out a schedule which:
    - i. provides interested parties with an opportunity to file further submissions regarding any errors, ambiguities or uncertainties with the proposed terms of the New Wage Assessment Tool;
    - ii. sets the matter down for conferencing to resolve any submissions regarding any errors, ambiguities or uncertainties with the proposed terms of the New Wage Assessment Tool;
    - iii. sets a period for a trial of the New Wage Assessment Tool (**Trial**);
    - iv. sets the matter down for a report back on the Trial.
10. Civic submits a Trial is appropriate in the circumstances given the risks previously identified by ADEs in this matter regarding the impact of sudden cost changes on business viability and the ongoing employment of supported employees.
11. Civic further submits it would be appropriate for the Trial to be overseen and supported by the Commonwealth Government.

**Hearing**

12. Civic intends to attend the further hearing of this matter on 5 and 6 November 2018 (**Hearing**).
13. Civic reserves its ability to supplement these submissions and reply to the submissions of other parties at the Hearing.