

This table is a summary of proposed variations lodged for this award – updated 9 September 2017. Updated following [Determination](#) of 8 November 2017.

Supported Employment Services Award 2010

Some of the items contained in this summary may be determined by the Group 4 Award Stage—Technical and Drafting Full Bench while others may be referred to a separately constituted Full Bench (to be discussed at a conference before an individual Member of the Commission). A separate Full Bench has been constituted to consider substantive matters

ITEM	PARTY	DOCUMENT	CLAUSE (current award)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
S1A	OV	Sub-27Jul17	Various	'Nominee' should be inserted in all aspects of the award that require decisions and legal obligations – e.g. 7.4(a), 7.10, 8.1(a)(i), 8.1(b)(i) and (iii), 8.2(a) and (b), 9.5, 10.4(f), 22.7(b)(ii) and 22.8(e), 'additional supports' recognised in Pt 4 Wages and Allowances, Pt 6 Leave and Public Holidays, Pt 7 Consultation and Dispute Resolution	Pages 2, 4, 5	OUTSTANDING
S1.	HSU	Sub-02Mar15	14.4	Wages assessment tool Application to amend wages assessment tool in award is ongoing (AM2013/30) and party seeks to continue involvement in these proceedings.	Paras 3–5	OUTSTANDING
	ABI & NSWBC	Sub-02Mar15			Paras 1.1–1.9	
	DSS	Sub-01Mar15			Pages 1–2	
S2.	HSU	Sub-02Mar15		Ceremonial leave 10 days of ceremonial leave for Aboriginal and Torres Strait Islander peoples sought.	Para 1	OUTSTANDING
		Sub-01Aug17	26	Draft determination seeks to insert a new clause 26	Page 2	
S2A	OV	Sub-27Jul17	3.1	Definitions Supports NDS' definition of 'Employee with a disability'	Page 2	OUTSTANDING

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	NDS	Sub-31Jul17		Seeks insertion of a definition of employers covered by the award (relevant to clauses 4.1 and 4.2 of ED) - definitions provided. Seeks to replace definition of 'supported employment service' and 'employee with disability' - definitions provided	Page 2	
	ABI & NSWBC	Sub-31Jul17		Proposed draft determination seek to: <ul style="list-style-type: none"> - Delete definition of 'employee with a disability' and insert a new definition; - Delete definition of 'supported employment services' and insert a new definition of 'supported employment service'; - Insert a new definition of 'supported employment services' 	Para 1-5	
S2B	NDS	Sub-31Jul17	4	Coverage Seeks ongoing recognition of organisations funded under the <i>Disability Services Act</i> 1986 (Cth) to continue to operate under award even if government funding arrangements / eligibility/ access criteria for their employees with disability may change due to National Disability Insurance Scheme (NDIS). Also seeks ongoing recognition of right of organisations covered by award to use pro rata wage assessment tools other than the Supported Wage System (SWS).	Page 1-2	OUTSTANDING (previously Items 7, 8 and 9 of Technical & Drafting Summary)
S2C	ABI & NSWBC	Sub-31Jul17	14.2	Proposed draft determination seeks to insert the words 'clause 14.7' as follows: Subject to	Para 6	OUTSTANDING

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				clauses 14.3, 14.4, 14.5 and 14.7		
S3.	ABI & NSWBC	Sub-02Mar15	14	Minimum wages Inclusion of minimum rates of pay for apprentices and junior employees sought.	Para 2.1(a)	OUTSTANDING
S4.	ABI & NSWBC	Sub-02Mar15	14.4	Wage assessment tool Inclusion of a reference to a new version of an existing wage assessment tool is sought.	Para 2.1(b)	OUTSTANDING
	NDS	Sub-31Jul17		Seeks remove of wage assessment tools that are no longer used (The Hunter Contracts Wage Assessment Tool; The Phoenix Wage Assessment Tool from 1 June 2017; The PHT Wage Assessment Tool; The RVIB Wage Assessment Tool; The Cumberland Industries Wage Assessment Tool; The Wangarang Industries Wage Assessment Tool; The Ability Options Wage Assessment Tool.	Page 1	
	Endeavour Foundation	Sub-14Nov17	14.4	Submits The Greenacres Tool should remain an approved wage assessment tool under clause 14(4) of the Award	Page 9	
	Wollongong City Council	Sub-03Nov17	14	Object to a move from a skills based wages system to a productivity based wages mechanism	Page 1	
	Australian Government – Department of Social Services	Corr-08Nov17	14	No concluded view expressed. Will monitor proceedings	Page 1	

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	Elouera Association (Inc)	Sub-03Nov17	14	Opposes the request to remove the Elouera Association (Inc) Wage Assessment Tool. Submits the tool assesses the actual job that is on offer and is based on industry standards. It includes productivity and competence assessments and is assessed over a period of time. Allows setting new goals that can be measured and rewarded against the award.	Page1-2	
	The Illawarra Disability Alliance	Sub-01Nov17	14	Urges the Fair Work Commission to fully consider long term job security for ADE employees	Page 2	
S4A	AED Legal	Sub-31Jul17 and Sub-30Oct17	14.4 and 14.6	Wage assessment – employees with a disability Proposed draft determination seeks to: <ul style="list-style-type: none"> - Delete cl 14.4(a) and insert a new clause cl 14.4(a); - Delete cl 14.4(b)-(e) and insert a new clause cl 14.4(b); - Delete cl 14.4(f) and insert a new clause numbered as cl 14.4(c); - Delete cl 14.4(g); - Delete cl 14.4(h) and insert a clause in the same terms numbered as cl 14.4(d); - Delete cl 14.6. 	Para 1-6	OUTSTANDING
	GDS	Sub-21Aug17		Will give evidence to demonstrate inadequacies of the SWS and it being only	Page 1	

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				wage assessment method to use if the draft determinations filed by AED Legal are successful		
	Our Voice Australia	Sub-05Nov17	14	Object to the draft determination lodged by AED Legal Centre. 52 Witness statements attached to submission.	Page 1	
S4B	ABI & NSWBC	Sub-31Jul17	14.7	Proposed draft determination seeks to insert a new clause 14.7.	Para 7	OUTSTANDING
S5.	ABI & NSWBC	Sub-02Mar15	18	Payment of wages Timeframe in which an employer can pay termination pay should be increased.	Para 2.1(e)	REFERRED See: AM2016/8 – Payment of wages Issue affects multiple awards – see Corro from Ai Group, 25Nov14.
S5A	UV	Sub-06Oct16	19.5	Superannuation Seeks to increase minimum superannuation contribution for supported employees from \$6 to \$15 per week and to make the percentage amount of superannuation payable 9.5% . See draft determination	Para 3; Att A para 1	OUTSTANDING
	OV	Sub-27Jul17		Seeks a superannuation product which has a zero insurance component; notes that such product is not currently available from Australian Super.	Page 2	
	UV	Sub-01Aug17		Worked with Australian Superannuation to	Page 1	

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				develop a no insurance product to be used under cl 19.5, which needs to be named in the clause		
S5AA	NDS	Sub-31Jul17	19.5	<i>In response to FWC query:</i> Supports change to superannuation clause only if such a change would not impose an additional cost or administration burden on Supported Employment Services and would not disadvantage employees with disability (supported employees).	Page 1	OUTSTANDING
S6.	ABI & NSWBC	Sub-02Mar15	20.1	Ordinary hours of work Maximum ordinary hours of work per shift should be increased.	Para 2.1(d)	OUTSTANDING
S7.	ABI & NSWBC	Sub-02Mar15	20.2	Span of hours Span of hours should be adjusted.	Para 2.1(e)	OUTSTANDING
S8.	ABI & NSWBC	Sub-02Mar15	20.3, 20.4	Penalty rates Amendment to penalty rates is sought.	Para 2.1(f)	OUTSTANDING
		Sub-31Jul17	20.3	Proposed draft determination seeks delete cl 20.3 and insert a new cl 20.3 (underlined text is new)	Para 9	OUTSTANDING
S8A	ABI & NSWBC	Sub-31Jul17	20.5	Proposed draft determination seeks delete cl 20.5 and insert a new cl 20.5, so that 'an employee who works their hours in a rotating roster shift which finishes' is changed to 'an employee who works their rostered hours of work or hours in a rotating roster shift which finishes'.	Para 10	OUTSTANDING

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S9.	ABI & NSWBC	Sub-02Mar15	21.5	Overtime Variation is sought to cover a situation where an employee works additional hours prior to the commencement of their ordinary hours.	Para 2.1(g)	OUTSTANDING
S10.	ABI & NSWBC	Sub-02Mar15	22.1(b)	Shiftworker Variation to the definition of shiftworker is sought.	Para 2.1(h)	OUTSTANDING
S11.	ABI & NSWBC	Sub-02Mar15	Schedule B	Classification definitions Variation sought to ensure definitions reflect the work performed by employees under the award.	Para 2.1(i)	OUTSTANDING
S12	OV	Sub-27Jul17	Schedule D	Accept SWS and Modified SWS as optional wage determination systems	Page 6	RESOLVED See: [2017] FWCFCB 5073 and PR597498
	HSU	Sub-31Jul17		Proposed consent variations	Para 1-7	
	AED Legal	Sub-18Aug17		Supports HSU's proposed consent variations	Page 1	
	PDA	Sub-21Aug17		Supports HSU's proposed consent variations	Page 1	
	DSS	Sub-16Aug17		Supports HSU's proposed consent variations Seeks for the varied SWS to be the only wage assessment tool in the award. If approves, sees variation to come into effect from 01/07/18	Page 1	
	UV	Sub-21Aug17		Supports HSU's proposed consent variations on the basis that the SWS is not the sole mandated wage assessment tool in the Award.	Page 1	
	NDS	Sub-21Aug17		Supports HSU's proposed consent variations. Maintains that wage assessment tools that only measure an employee with disability's relative production output do not take into account the complexities of supported employment	Page 1	

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				settings or the commercial and economic considerations associated with running a Disability Enterprise.		
	GDS	Sub-21Aug17		Does not oppose HSU's proposed variations, although notes this method of wage assessment is inappropriate in many supported employment enterprise settings. Will give evidence to demonstrate inadequacies of the SWS and it being only wage assessment method to use if the draft determinations filed by AED Legal are successful	Page 1	
	ABI&NSWBC	Sub-21Aug17		Supports HSU's proposed consent variations. Supports concerns stated in the submissions filed by NDS and GDS on the same day in relation to the modified Supported Wage System	Page 1	
S13	OV	Sub-27Jul17	XXX	Proposes new clause 'rights at Work for Supported Employees'	Page 5	OUTSTANDING
S2C	ABI & NSWBC	Sub-31Jul17 and Sub-25Sep17	Schedule I	Schedule I - Work Value Classification Tool Proposed draft determination seeks to insert a new Schedule I	Para 8	OUTSTANDING
	Greenacres Disability Services	Sub-25Sep17		Supports ABI proposal Supported employees' skills and capability are essential elements of contributing to a productive workplace and this needs to be a	Para 11	

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				major consideration in the construct of any wage determination method for supported employees		
	NDS	Sub-25Sep17		Does not oppose ABI proposal. Pro rata wages solely determined by productivity assessments are problematic in supported employment settings	Page 1	

List of abbreviations

ABI&NSWBC	Australian Business Industrial and the New South Wales Business Chamber Ltd
DSS	Department of Social Services
GDS	Greenacres Disability Services
HSU	Health Services Union
NDS	National Disability Service
OV	Our Voice
PDA	People with Disability Australia
UV	United Voice