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**Sent:** Friday, 22 December 2017 2:25 PM  
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**Subject:** SES Award

Dear Vice President Hatcher

Re: Supported Employment Services Award 2010

I am writing to provide a different perspective to those that have already been presented for consideration when the Commission is making its final decision. I also add that this is a totally unsolicited submission and is only representative of my own thoughts and beliefs based on my first-hand experience.

To give some background to my interest in these proceedings, after trying for some years to secure employment after leaving school I became a supported employee in the early 1980s, working in what was at the time known as a sheltered workshop. Due to the education system's inability to cater for my needs (and probably a less than scholarly attitude!), I left school after just managing to complete Year 11. After several years employed in what is now known as an Australian Disability Enterprise (ADE) I was motivated by the lack of opportunity within ADEs to move to outside employment.

I received support from several Disability Open Employment providers (known today as Disability Employment Services) to find a job, which resulted in me being employed within the Australian Public Service (APS) until mid-2014. My work in the APS for the most part focussed on the disability and carers area, having been both a specialist disability officer and the sole disability and carers policy advisor in South Australia for Centrelink, and having worked in various areas in the different incarnations of what is currently known as the Department of Social Services (DSS). My DSS work included six years in the national section responsible for ADE funding.

Today I am self-employed in a consultancy business where, beside general consultancy work, I undertake quality assurance audits against various standards including the National Standards for Disability Services in ADEs and Disability Employment Services. Along the way I also discovered that modern tertiary education methods are far removed from the education system I faced while growing up and over the past fifteen years managed to complete two post graduate degrees.

I met my then future wife, who was also a supported employee at the time, while working at an ADE. We have an adult son who also has a disability and who works in the open labour market. My wife, who faced even greater obstacles within the education system and left school earlier than me, completed study in early childhood education and today works in childcare.

I, and my wife, will always be grateful for the opportunities provided by our time working in an ADE and we remain, and probably always will be, great supporters of the work and support provided by ADEs. Although we firm in our belief that our son would be employed in the open labour market, we always kept in the back of our minds that an ADE might be an option for him. However, that does not mean ADEs or the structure and confines in which they work cannot be improved.

It appears that many of the parties to this matter are trying to use their involvement to deal with the multitude of issues that face ADEs. No doubt an increase in wages will impact on ADEs' operating expenses, just as it would for any other business. However, reducing people with disabilities wages based on employers' ability to pay seems, in my opinion at least, to demonstrate greater discrimination than any raised at the Court case triggering this matter and raises the potential for further legal proceedings.

The dissertation I wrote and submitted in 2016 that resulted in me graduating with a Doctoral degree focussed on the very issue of ADE viability. The findings from my research show that ADEs do struggle with the duality of running a viable business and providing meaningful employment for people with disabilities. Further, there are a significant number of factors that impact on ADE viability besides wages, not least of which is Government funding and procurement. There is a lot that can, and should, be done to improve ADE viability that does not preclude payment of fair wages to supported employees. Viability remains a quite separate issue to the wage assessment process being considered by the Commission.

I can say quite categorically that there is no such thing as a perfect wage assessment tool for people with disabilities. Each and every tool has its merits and shortcomings. I note there has been considerable discussion about the pros and cons of each tool, but the reality is that none of them will ever be able to totally and accurately reflect a person's work capability. Equally, the most basic of tests for any wage tool is that, on average, a person who does not have a disability must be able to easily obtain a full award wage. I am less than convinced that all the tools put forward for consideration in this matter can do that, particularly those that rely on assessor subjectivity and/or do not have an independent assessor involved in the process.

Regardless, what is important is that supported employees are not disadvantaged because the ADE in which they work uses a different wage tool to other ADEs. A lot of people with disabilities are only able to access one or a limited number of ADEs. In fact some people cannot access any disability services and are left with limited or no support choices. A supported employee should not be disadvantaged by way of one wage tool paying lower wages than another.

The Supported Wage System (SWS) was developed as a generic wage assessment tool that could be used in any employment setting. However, very similar, or the same, arguments to those being put forward now resulted in its use being limited to open employment settings and a limited number of ADEs. Like all the other tools it has its advantages and shortcomings, but it does account for both productivity and competence i.e. only work completed properly is counted in an assessment. Most of the other tools include an additional discount through a separate competence and/or behavioural assessment.

In my work I regularly visit ADEs where the SWS is being used, including those that focus on employment for people with intellectual disability. Some ADEs are long term users of the SWS while others have moved to the SWS over the past few years, but in all cases the SWS appears to work reasonably well. The main concern for ADEs has always been the minimum wage clause contained in the SWS but I understand the Modified SWS addresses that concern.

I was among a large group of people who were part of a worldwide movement in the 1980s to give people with disabilities a voice and the right to equal opportunities. Among those activities we lobbied to move from an Activity Therapy Centre model of support that had been around since the late nineteenth century to what became Business Services and subsequently ADEs, where people with disabilities could work in real jobs earning fair wages within a supportive environment. Although we thought we had a win at that time, disappointingly it seems resistance is still strong and winning over those basic rights.

I urge the Commission to put aside the viability of ADEs when making its final decision as that should be addressed as a separate issue outside of these proceedings. I also encourage the Commission to consider the basic human rights of people with disabilities to access a fair and consistent wage assessment mechanism regardless of the ADE in which they work.

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