

FAIR WORK COMMISSION

4 Yearly Review of Modern Awards

Supported Employment Services Award 2010

Matter No: AM2014/286

SUBMISSIONS IN REPLY BY GREENACRES DISABILITY SERVICES

1. Greenacres Disability Services (Greenacres) supports the submissions filed by Australian Business Lawyers & Advisors on behalf of Australian Business Industrial (ABI), the New South Wales Business Chamber (NSWBC) and National Disability Services on 21 November 2017 (**ABLA Submissions**) in relation to the appropriateness of skills based wage assessment tools.
2. Greenacres relies upon the ABLA Submissions with respect to the validity of the Greenacres Association Competency Based Wage Assessment System (GACBWAS).
3. Greenacres supports the Submissions filed by the Endeavour Foundation on 21 November 2017 with respect to the appropriateness of the GACBWAS.
4. Greenacres contends that the primary onus falls upon those wanting to remove the GACBWAS from the award to demonstrate why it should be removed.
5. The GACBWAS is a hybrid tool. That is once a SE has achieved Level EA under the tool, the employer can have the supported employee assessed under the SWS. This is because the tool is predicated on the fact that a supported employee who reaches this level has sufficient skills to work in open employment (should they wish to) with support from a DES or other such like program.
6. Greenacres submits however that one of the changes that is required to be made to the GACBWAS is that if an employee assessed at Level EA wants to stay working with Greenacres they should not have a reduction in their pay should the SWS provide a lower assessment. This is because under duties/tasks allocated to level EA of the Greenacres tool our experience is that SE will tend to work slower against the benchmark than a SE doing simple tasks.

7. The GACBWAS was developed having regard to the Mayer Key Competencies which are competency standards which were a consideration for requirements for employees without disabilities.
8. Greenacres contends that supported employees should be treated like all other employees and have their wages determined by their level of support and supervision and level and value of their work relative to the tasks they are capable of performing.
9. Greenacres contends that there is sufficient evidence in these proceedings to demonstrate that an ADE working environment and the way work is organised to provide employment for SE is not conducive to the use of the SWS.
10. Greenacres contends that those wishing to impose the SWS have provided no evidence to demonstrate that the SWS won't have the detrimental effect that Greenacres or indeed other ADEs assert it will.
11. Greenacres contends that the original intent of the SWS was to assist people with disabilities to obtain jobs in mainstream employment. It was not designed for ADEs, and accordingly ADEs should not be forced to use it as the only method of wage determination.
12. Greenacres contends that no evidence has been put forward by those wanting to impose the SWS that their position is driven by widespread discontent amongst supported employees and or their carers. Indeed the only evidence brought forward comes primarily from supported employees and or their carers who are satisfied with the current employment arrangements and the real value that ADE play in the lives of supported employees.
13. The Fair Work Commission has some possible options it can take in these proceedings:
 - (a) firstly, it can determine to keep the status quo by retaining all of the remaining wage assessment tools. If this is so determined Greenacres would like the opportunity to update its tool to make it easier to administer and more clearly define its skill levels;
 - (b) secondly, it can on the one hand deliberate and decide between two types of assessment systems developed nearly two decades ago for different purposes:
 - (i) the SWS, which was designed for the placement of people with disabilities into open employment, and which primarily determines wage levels on the productive output of only those tasks a person with a disability is capable of performing; and

- (ii) a skills-based wage assessment system which is overwhelmingly used by ADEs.
- (c) thirdly, the Fair Work Commission has an option to provide for wage determination of supported employees in ADEs by inserting the Work Value Classification Structure as proposed by ABI and the NSWBC, where employers can classify supported employees according to their level of supervision support imitative skill and tasks, having regard to what would otherwise be expected of an employee without a disability in Grade 2 of the SES Award.

Arrangements for viewing and cross-examination

- 14. The witness statements from supported employees and or carers associated with Greenacres have all been written willingly and contain information that witnesses believed was relevant to the Bench in these proceedings.
- 15. Witnesses associated by Greenacres can make themselves available to be crossed examined, although at least one witness may require a different environment to provide her evidence as she suffers a condition where she has a high level of anxiety around people who are unfamiliar to her.
- 16. Greenacres also considers that it would be beneficial to all parties to have the Full Bench and other relevant persons conduct a viewing at its premises to observe supported employees at work.

Greenacres Disability Services

14 December 2017