



**SUBMISSION IN RESPONSE TO [2019] FWCFB 8179- Supported Employment Services Award – 4 Yearly Review (AM2014/286).**

As a party to the conciliation and subsequent arbitration of the Supported Employment Services Award we respond to the request for relevant submissions following the release of the long-awaited decision on 3 December, 2019.

We thank the Fair Work Commission for their release of the Decision. This enables us all to shape the future industrial path, under-pinning the social structure that is recognised as so important for our workers, their families and carers. In unison, our ADE workers have said *“My Job Counts”*. Their local ADE is *“not just a job- it is a way of life”*

On behalf of our ADE (Australian Disability Enterprises) employees, their families and carers, we commend the Fair Work Commission for their patience, compassion and wisdom in recognizing, within their decision, the social and employment worth of our ADE’s. Some of us have made the Journey with the Ronald’s Report, the Dunoon/Green Report, the First KPMG Report, the First –and second HOI Report, the 2004 Safety Net Case which led to the introduction of the BSWAT and, more recently the new NDIS landscape. It has been a long and, at times, difficult journey. We believe that the new wage classification system, aided by the Rights at Work Clause is a positive contribution to retaining our ADE’s as a critical thread in the social and employment fabric of Australia for people with a disability.

It was always an expectation that wage reform would mean an increased cost of the business – but keeping it to a level that was fair, equitable, non –discriminatory and financially sustainable required a fine balance. We believe the Decision delivers that whilst allowing for some fine-tuning prior to a Final Determination and subsequent Implementation.

1. The rates of pay and classification descriptors, as well as the classification descriptors for the new Grades A and B and Grades 1-7 seem reasonable and also simpler than the systems being replaced.
2. The suggested Trials should reveal any deficiencies or weaknesses, as well as provide an understanding of the impact of financial sustainability.

3. The suggested 3 month trial is also reasonable. Making the result public, with a further opportunity to make further submissions should ensure the results are both objective and practical.
4. There is a need to ensure that the Trials, wherever they are conducted, are representative of the sector and regions within the sector, especially where the tyranny of distance creates extra cost burdens for businesses.
5. The Trials should be conducted to ensure as little disruption to the business, and the workers as possible. The sector has been subjected to extensive insecurity over the wage issue for the past 5 years. This has impacted adversely on the employees, their families, carers and the employers, as well as the ADE business market. It is important that providers ensure the Trials are seen as solutions – and not further threats. Consequently, the message that wages cannot be decreased is an important part of the Trial process for those at the sites selected.
6. The Time Lines for Final Determination and Implementation might be little tight, but that will depend on the availability of assessors. That issue needs to be raised within this Forum as a Departmental issue not an industrial one. It could, however, threaten the successful implementation of the new system- as distinct from the new wage system itself. We raise it now to ensure the Department, the sector, the employees and their family carers are not subjected to the same time-line issues that resulted from the transition away from the BSWAT. The lack of qualified assessors, distance and timing could jeopardise the transition away from the existing systems, just as it did with the BSWAT.
7. The quality of assessors in the individual workplaces – for the number of workers transiting to the new system- could also be an issue if there is a shortage, and that shortage is compensated by assessors who do “crash-courses’ in the process, without any actual experience in the ADE environment. Our disabled family members – and we, their family carers – are already living with this in the implementation of the NDIS. We do not want a repeat of these problems with the new Wage Classification System.

We exhort AED, the advocacy groups and Union representatives to remember that what unites us is far, far greater than what divides us, as evidenced by our collaborative work with the Modified SWS, removing the BSWAT and the Conciliation Statement we all provided to the Fair Work Commission on 15<sup>th</sup>. October, 2015

**Our shared objectives:**

- a. **A fair, equitable and non-discriminatory wage outcome to contribute to a living income for employees in supported employment;**
- b. **Continued opportunity for employment in supported employment settings to build and maintain the self-esteem and sense of purpose of employees;**
- c. **Sustainable employment opportunities in viable ADE; and**
- d. **To provide security and confidence to employees, parents and carers for the future.**

We believe that the Fair Work Commission Decision over the next 2 years will deliver that, and we look forward to a continued collaborative working relationship with all parties.

Signed



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