



**Australian Government**



# **Supported Wage System Handbook**

## **July 2011**

Supported Wage System operates within the Australian industrial relations framework, therefore people wishing to use the Supported Wage System provisions must ensure that they are able to do so in accordance with their applicable industrial award, enterprise agreement or other instrument.

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## Section 1 Supported Wage System Overview

### Introduction

The purpose of the Supported Wage System (SWS) is to provide a process for reliable and independent work productivity assessments to enable people whose work productivity is reduced as a result of their disability, to obtain employment in the open labour market. Many people with disability obtain employment in the open labour force at full award wages but for some people, the nature of disability can significantly affect their productive capacity. People in such circumstances may require a process of productivity assessment to obtain employment.

The SWS was introduced in 1994 to increase employment opportunities for people with disability by providing a workplace relations mechanism that enables the legal payment of a productivity-based or pro-rata wage to people whose work productivity is reduced as a result of disability.

The SWS productivity assessment process provides a method to assess the productivity of the worker against Basic Performance Standards of co-workers without disability undertaking the same tasks or duties in the workplace.

The SWS was developed in consultation with the relevant industrial authorities, employer, trade union and disability peak bodies, government departments and specialised employment agencies for people with disability.

There is further information about applying for SWS on the JobAccess website [www.jobaccess.gov.au](http://www.jobaccess.gov.au).

### Key principles of the Supported Wage System

#### Industrial framework and conditions

The SWS must operate within federal and state workplace relations laws. People with disability who access the SWS retain the same employment conditions as their co-workers under the relevant industrial instrument, for example a modern award or an enterprise agreement). The assessed percentage of productivity applies only to the wage rate.

The SWS was designed to operate in open employment settings and to use industrial instruments and principles of wage settings that apply to all other workers in the national and state workplace relations systems.

#### Equity of application

The SWS must be equitable in its application, in relation to both workers with disability and those without disability.

#### Limits of use

Only when it is clear that a person with disability is unable to work at full productive capacity compared to that of a co-worker with disability, who performs the job at the Basic Performance Standard, is a SWS productivity or pro-rata wage to be used. The presence of disability in itself does not justify a pro-rata award wage.

The SWS should not be used to reduce the wages of people with disability already in jobs, however, it may be used to assist people whose continued employment at full award wages is at risk, subject to conditions (see Assistance for People with a Work Placement or Job at Risk).

Only people eligible to participate in the SWS are to use it and it is not applicable to other workers, particularly to other disadvantaged job seekers without disability. The SWS is intended to be simple and practical to use.

It is essential that workers are not pre-determined as capable of performing at a certain wage level and then placed in jobs.

A SWS productivity rate can be determined by assessment of the performance of a particular individual in a particular job. The SWS is not intended for contractors, short-term or temporary jobs in which the core duties and tasks often change.

One person's SWS productivity assessment cannot be applied to other workers with disability performing similar duties, or to the same worker in another job.

## Eligibility

Applications for SWS require that:

- the job under consideration is covered by an industrial instrument or legislative provision that permits employment under the SWS provisions
- the person is an Australian citizen or is a person resident in Australia whose continued presence is not subject to a time limit imposed by Australian law (e.g. a temporary visa)
- the person is at least 15 years of age
- the person has no outstanding workers' compensation claim against the current employer
- the person meets the impairment criteria for the Disability Support Pension (DSP) as confirmed with Centrelink, and
- the job being offered is for minimum of eight hours per week.

The Department of Education, Employment and Workplace Relations' (DEEWR's) Supported Wage Management Units (SWMU) approve applications for SWS. Applications are submitted online via [www.jobaccess.gov.au](http://www.jobaccess.gov.au). The employer is responsible for ensuring it is lawful to employ a person under SWS provisions for the job in question.

Further information regarding eligibility for SWS can be found at [www.jobaccess.gov.au](http://www.jobaccess.gov.au).

## Eligibility of People not in Receipt of the DSP

A SWS applicant who is not in receipt of the DSP and who does not wish to apply for DSP or is not eligible for DSP on non-impairment grounds (e.g. age, residency, income or assets) should request Centrelink to arrange for a SWS eligibility test against the impairment criteria for the DSP. This is not the same as a DSP eligibility assessment.

## Management of the System

Day-to-day management of the SWS is performed by SWMU staff at the DEEWR offices in state and territory capital cities. The SWMU's key responsibilities are to:

- approve and make payments for SWS assessments and the employer payment (see 'Assistance for Employers' below)
- provide for the conduct of audits of SWS applications and assessments performed by approved SWS assessors
- check for accuracy and timeliness of the wage assessment process and outcomes
- appear before industrial tribunals, such as Fair Work Australia or a state tribunal, where required.

## **Assistance with interpreters**

If you need help to communicate, you can use the Translating and Interpreter Service on telephone 131 450. If you have a hearing, sight or speech impairment, you can use the Speech to Speech Relay through the National Relay Service on 13 36 77. If you are an employee who uses Auslan to communicate, the Australian Government's Employment Assistance Fund can help with the costs of Auslan interpreting for SWS assessments. Further information about the Employment Assistance Fund is available from [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

## **Assistance for Employers**

### **Employer Payment**

Where a worker has commenced employment under SWS provisions, the SWMU can make a payment of \$1000 to employers (including public sector employers) to offset some of the costs of training and supervising a new worker with disability under the SWS. This can be made after the employee has worked a minimum of eight hours a week for 13 weeks. The Employer Payment is not payable where the worker is supported by an employment service funded under the Disability Services Act, where a wage subsidy is paid to the employer or where the SWS placement is a 'job at risk'.

The payment cannot be made before the initial SWS productivity assessment is complete and there is a signed SWS wage agreement to employ the worker.

## **Assistance for Supported Wage System Participants**

### **Employer Payment of the Productivity-based Wage**

The employer will pay the assessed wage and superannuation as required. Payment of the assessed wage is made to the worker in the same way as other workers who are employed by the employer and who do not participate in the SWS.

### **JobAccess website**

The JobAccess website is a one-stop shop for all matters relating to the employment of people with disability. More information about SWS and other disability services can be found at [www.jobaccess.gov.au](http://www.jobaccess.gov.au) or by phoning 1800 464 800.

### **Employment Assistance Fund**

The Employment Assistance Fund (EAF) is designed to help employers accommodate workers with disability. The EAF reimburses employers for the cost of special equipment or adjustment that is needed to accommodate in the workplace, a worker with disability in a job. Financial assistance for the provision of Auslan interpreters and disability awareness training is also available from the EAF. More information can be found at [www.jobaccess.gov.au](http://www.jobaccess.gov.au) or by phoning 1800 464 800.

### **Retention of Pensioner Concession Card**

Recipients of DSP are entitled to the Pensioner Concession Card (PCC). They remain entitled to the PCC for 12 months from the date their income reduces their DSP to nil.

### **Mobility Allowance**

SWS workers may be entitled to Mobility Allowance. Mobility Allowance, which provides assistance to people with disability who are in paid employment, voluntary work or vocational training, undertaking independent living/life skills training or a combination of paid work and training and who are unable to use public transport without substantial assistance. More information about Mobility Allowance can be found at [www.centrelink.gov.au](http://www.centrelink.gov.au).

### **Superannuation**

All SWS participants will receive employer-supported superannuation, at least to the minimum levels established by the Australian Government's Superannuation Guarantee.

### **Workers' compensation**

Employers are required to provide workers' compensation insurance for all workers. This includes potential SWS recipients who are working in the Trial Period and those employed after the SWS productivity assessment.

### **Nominee**

A worker may choose to involve a nominee in any stage of the job placement or SWS productivity assessment process. This general advocacy role may be carried out by any person nominated by the worker.

Where a signature is required, such as on the wage assessment agreement, and the applicant is presently unable to provide it, the person signing must be someone nominated in accordance with the relevant state laws to sign documents on the applicant's behalf.

### **Trial Period before the SWS Productivity Assessment**

It is expected that people with disability will acquire work skills and competencies at varying rates. Some people may have a 'learning curve' that climbs steadily for many weeks, others may learn the basic skills or competencies more quickly, and their performance may plateau earlier.

A period of specialised on-the-job training will usually be required for most people using the SWS before an initial productivity assessment is conducted.

For this reason, and to enable consideration of the overall suitability of the job placement, provision has been made for a Trial Period of up to 12 or 16 weeks (depending upon the circumstances and industrial instrument). More information on industrial instruments containing SWS provisions can be found in Section 4.

A negotiated wage is to be paid by the employer to the worker during the Trial Period (the minimum weekly wage being \$75.00, as at 1 July 2011). Many people may also receive a Centrelink allowance during this time.

Depending on the anticipated productivity in the Trial Period, it is desirable that the trial wage not be substantially lower than the actual assessed wage. This is particularly relevant where the person has prior experience relevant to the job in question.

The wage in the Trial Period will apply until the productivity assessment is conducted and wage agreement is signed by the workplace parties. The date (s) on which the assessment will take place will be agreed upon by the employer, the trial worker and the SWS assessor.

Depending on the industrial provisions relevant to the worker the Trial Period can be up to 12 weeks or in some cases 16 weeks.

The extension of the Trial Period past 12 weeks is acceptable only when it is for the benefit of the worker undergoing the SWS productivity assessment. For example, the worker may require additional time due to absence from work for illness or where it is expected that the person could further improve work performance in a short period. The Trial Period can only be extended to a maximum of 16 weeks.

There is no specified minimum time for the Trial Period. The parties may elect to proceed with a SWS assessment at an early stage, if the worker is considered to be settled in the job, familiar with their duties and has sufficient experience in the work required.

It is important that the worker is not persuaded to undertake a SWS productivity assessment before they are ready, or to delay an assessment, with the worker remaining on a training wage for longer than necessary.

The specialised training in the Trial Period is in addition to any other standard training normally provided to workers at the relevant workplace.

Many people will continue to receive training, specialised and general, after the SWS assessment is complete, in accordance with the normal award or industrial agreement provisions.

### **Who Conducts the SWS Productivity Assessment?**

The role of the SWS assessor is to work cooperatively in the workplace and not seek to impose a primary decision-making or arbitration role.

The SWS assessment process must be conducted in a manner which ensures the employer and the worker have a strong sense of ownership of the outcome.

As specified in the relevant industrial provisions, the wage rate to be paid will be based on the result of a SWS assessment of the productive capacity of the worker with disability. Applicable industrial provisions allow for the productive capacity of the worker to be assessed by the employer, the worker and a DEEWR-Approved SWS assessor.

Assessments are generally undertaken by providers contracted by DEEWR to perform SWS assessments. Assessors are required to have minimum qualifications and experience (see 'Training of SWS Assessors' below).

Depending on the industrial instrument under which the worker is employed, the productivity assessment may also be conducted by:

- the employer and worker representative, in consultation with the worker
- the employer and a DEEWR-Approved assessor, in consultation with the worker, or
- the employer and a union party to the award/agreement, in consultation with the worker (with the help of a DEEWR-approved wage assessor, if desired).

Following completion of the Trial Period, an assessment of the worker's productive capacity and, therefore, the appropriate rate of pay will be made, consistent with the procedure outlined above. At this point, the employer can decide to enter into an ongoing employment arrangement with the worker.

If agreement cannot be reached on the productivity assessment, then:

- the employer will not be entitled to the \$1000 Employer Payment available in certain circumstances; and
- no employment contract can be made under the SWS provisions.

To be considered for approval as a SWS Assessor, certain prerequisite skills, training and experience are required, including a minimum of two years practical experience in the disability employment or related sectors; and an Australian recognised education qualification (at a minimum of diploma or higher level) in one of the following fields:

- Occupational therapy
- Psychology
- Physiotherapy
- Rehabilitation counsellor
- Vocational training, or
- Other diploma or higher level qualification which DEEWR considers is relevant to providing the required SWS assessments.

DEEWR maintains a register of Approved SWS assessors, including the type of disability or industry sectors with which a particular assessor has experience.

### **SWS Review Assessments**

Where a worker with disability is employed in a position on a SWS productivity-based wage, the person's productivity should be reviewed on the basis of a reasonable request for such a review or, at least, annually. This will ensure that changes in the worker's productivity on the job are reflected in the wage rate.

Where agreement cannot be reached about the need for an early review (between the employer and the worker and/or the worker's nominee), the dispute mechanisms available in the workplace or industrial jurisdiction may be used. Otherwise, the assessed productivity rate will stand until the next review.

Where a SWS review assessment is scheduled, the employer, worker and union representative or assessor will re-examine the work undertaken and the current level of productivity. On the basis of this review, the parties will reassess the percentage of the full award wage paid to the worker and either agree to amend or retain the current assessed productivity rate which is applied to the wage.

If a party to the SWS wage assessment disputes the result, they may submit a written request to the DEEWR SWMU to have the assessment reconsidered. If agreement cannot be reached on the assessment outcome, the employment contract under SWS provisions will lapse 30 calendar days after the date of their last assessment.

It will be a matter for the parties involved as to whether they wish to enter a new contract based on the general industrial provisions, or whether they wish to use avenues generally available under the industrial relations system to resolve any areas of disagreement as to the operations of the industrial provisions for the SWS.

The majority of SWS assessments are allocated to SWS Assessors approximately 10 weeks before the date the assessment is due.

### **Cost and Content of Reviews**

The Australian Government will pay the cost of wage assessments for each worker where these are facilitated by a DEEWR-Approved assessor (see Section 3 – Payment and Conditions). This includes initial assessments and annual reviews.

Reviews will require examination of the main elements of the previous SWS productivity assessment, including the tasks and duties performed, the suitability of the performance standards and the productivity results of the worker against those standards.

Where a service (e.g. a Disability Employment Service provider) is funded to support the person at work, this service provider would usually offer to assist in the assessment process. Disability Employment Service providers are specialist employment service providers funded by DEEWR to assist job seekers with disability with employment preparation, job search, post placement and ongoing support.

Since the record of the previous productivity assessments and reviews will normally be available to SWS assessors, the later reviews may be simpler and shorter than those conducted earlier.

### **Date of Commencement of the Assessed Wage**

The operative date of the wage agreement is the date the wage assessment agreement is signed by the employer, workers and either a trade union representative or SWS assessor.

### **Assistance for People in a Job at Risk**

Occasionally the continued employment of an existing worker at full award wages may be at risk. This may occur when, for example:

- a person with disability finds a job, perhaps with the assistance of an employment service provider and it is likely (but not certain) that an award-wage level of achievement can be reached. The employer nevertheless agrees to pay full award wages from the outset. The person then enters work but is unable to achieve award-level productivity, despite reasonable adjustment being made
- a person acquires a disability outside the workplace (e.g. a stroke or multiple sclerosis) and the person's capacity to work is reduced
- a person's existing disability is worsening and has reduced the person's capacity to work
- a worker with disability is performing a job at pro rata or full award wages. Due to a change in business operating conditions, the job is substantially restructured or removed. There may be a need to reassess the residual job functions or to consider assessing a new position for the worker.

Where a pro rata wage is considered the most appropriate option, a worker at risk of unemployment may be covered by the provisions of the SWS subject to meeting each of the following five conditions:

- the person agrees to participate in the SWS
- the person does not have a pending or current workers' compensation claim against the employer
- the person meets all eligibility criteria for the SWS (including meeting the DSP impairment criteria)
- the employer has made reasonable adjustments to maintain the person's productivity
- the worker's SWS assessment confirms an inability to meet the agreed Basic Performance Standard for the job.

### **Disputes**

If the employer and a SWS assessor cannot agree on the outcome of the initial SWS productivity assessment, the employer may choose not to offer the person employment under the provisions of the SWS. A disagreement between the employer and the assessor would not be subject to the industrial dispute mechanisms applying in the enterprise.

Once the worker has been engaged on SWS provisions, the dispute resolution mechanisms available to other workers in the workplace apply. The relevant industrial relations body has jurisdiction over disputes that a SWS participant may have with an employer. A nominee of the SWS participant may be involved to ensure the interests of the worker are adequately represented.

If one or more parties disagree with the SWS productivity rating, they need to try to discuss their different views, and seek to resolve them and reach agreement. If they fail to reach agreement, they may submit a request for a review of the SWS assessment process, with the SWMU in their State or Northern Territory. A request for a review can be lodged by the employer, employee, employee's nominee or a union representative. The request must be in writing (Email is acceptable) and must outline the specific parts of the SWS assessment process which they would like reviewed, making reference to the requirements for conducting SWS assessments outlined in the SWS Handbook. It is not sufficient to base a request for review on disagreement with the result, alone. Grounds for requesting a review of the assessment must include evidence that the assessment was not conducted in accordance with the SWS Handbook and that it would result in significant disadvantage to the employee and/or employer.

DEEWR will respond to requests for review within 21 calendar days. DEEWR will not change the productivity rating, but may request that a SWS assessor conduct parts of the assessment again or in cases where there is clear evidence that the assessment was not properly conducted, may request a new assessment.

### **A Scenario of how people will enter the Supported Wage System**

Use of the SWS can be initiated in a number of ways. Many people with disability are clients of employment services providers, including Disability Employment Service providers who can help facilitate the application for SWS. However, people who are not registered with a DEEWR-funded employment service may also use the SWS.

Below are key procedures for participation in the SWS. These use a typical scenario (See Section 2 for more details).

#### **Background**

In this scenario, the applicant receives the DSP and is a client of a Disability Employment Service provider. It is thought, provisionally, that the worker will not be able to work at the full award wage rate as many unsuccessful attempts have been made to secure employment at full award rates. A likely job has been found, and is covered by SWS provisions that permit employment at pro rata wages.

#### **Pre-employment steps**

The employer, nominee or employment service provider contacts Fair Work Australia on 13 13 94 or [www.fairwork.gov.au](http://www.fairwork.gov.au) to confirm the job is covered by the SWS provisions or checks the employer's current industrial instrument and its SWS provisions.

The applicant or employment service provider visits the JobAccess website ([www.jobaccess.gov.au](http://www.jobaccess.gov.au)) to check the requirements of participating in SWS and confirms the worker meets the key eligibility requirements for the SWS.

The applicant or employment service provider completes the SWS application online at [www.jobaccess.gov.au](http://www.jobaccess.gov.au).

On receipt of the application, the SWMU verifies that the worker meets the impairment criteria for receipt of DSP or is in receipt of DSP, and checks that other eligibility criteria have been met.

The applicant receives advice from DEEWR's IT system, approving or declining the application.

### **Commencement of the Trial Period**

The worker begins work for the Trial Period and advises Centrelink of any change in circumstances (the rate of DSP paid may need to be altered for this period to take account of the wages paid). Under the SWS model provisions in modern awards, the length of the Trial Period is up to 12 weeks; however, by agreement with the SWMU it may be extended up to 16 weeks. Under the provisions of the Special Australian Pay and Classification Scale and the Special Federal Minimum Wage, the length of the Trial Period is a maximum of 16 weeks.

The assessor must ensure that the employer and the worker understand the implications of SWS and agree to the SWS assessment being undertaken. The employer and the SWS assessor conduct the assessment at an agreed time. If a pro rate award wage is shown to be necessary, and is accepted by those involved, the SWS Wage Assessment Agreement is signed and a copy provided to the employer and worker. The assessor also provides a copy to the employment service provider and union if requested. The employer should send a copy to the relevant industrial authority, if this is a requirement stated in their industrial instrument. Note that it is not always necessary to send the wage assessment agreement to the industrial authority.

The worker commences work at the agreed assessed wage. The SWS Wage Assessment Agreement takes effect immediately it is signed by the employer, worker and SWS assessor.

### **Work after the Wage Assessment Agreement Begins**

Payment of the pro rata wage commences from the date the Wage Assessment Agreement is signed. The worker or their nominee advises Centrelink of the agreed wage.

An anticipated date for the review of the wage assessment is agreed between all parties. This date can be varied by local agreement, but must generally be within a year following the assessment (see Section 2, 'Review Date Negotiated'). A request to conduct a review assessment will be electronically sent to a SWS provider approximately 10 weeks before the review date, so that the assessor has time to complete the preliminary research about the duties, work classification, industrial instrument, workplace requirements, and so that the employer and employee can prepare for the assessment to take place in the workplace.

## Section 2 How to Use the SWS Administrative Procedures

### Eligibility and Funding Procedures

The SWS procedures assume a Disability Employment Services provider is involved, but they generally apply also where the employer is arranging the SWS employment for a person who is not registered with a DEEWR-funded employment service provider (the key steps in the wage assessment process are summarised later in this section).

### Contacting the Supported Wage Management Unit

The worker, employer or employment service provider can contact the SWMU by phone on 1800 065 123.

### Making the Application – Role of the Employment Service Provider

The SWS application form can be found on the JobAccess website ([www.jobaccess.gov.au](http://www.jobaccess.gov.au)). The Disability Employment Service provider (or employer, where no Disability Employment Service provider is involved) completes the application form online and submits it online.

### The SWMU Processes the Application

The SWMU :

- confirms the worker meets the DSP impairment criteria (SWMU may contact Centrelink to confirm this), or that they are in receipt of DSP
- checks all other eligibility criteria have been met
- approves or declines the application

### Advice of Approval

DEEWR's IT system notifies the applicant of approval of the SWS application. Once this approval has been given, the worker can commence the SWS Trial Period.

### An Assessor is arranged

DEEWR request a SWS Assessor to undertake the SWS assessment and issues a Work Order to a contracted SWS Provider.

The provider accepts the Work Order and arranges for an Approved SWS assessor to make arrangements for the assessment.

### Work Begins on a Trial Basis

The workplace parties negotiate a trial wage. The trial wage payable must be at least \$75 per week (as at 1 July 2011) depending on the industrial provision that applies, but should reflect the expected productivity levels for the Trial Period. The SWS Trial Period can start only after the SWMU has approved the SWS application.

Alternatively, the worker may be assessed and begin employment almost immediately if it is agreed by the workplace parties that a Trial Period is not required.

### Advising Centrelink of change in financial Circumstances of a Person in Receipt of DSP

Centrelink requires advice about the SWS worker's wage during the Trial Period, and any subsequent wage adjustments. The Disability Employment Services provider should assist the worker in advising Centrelink, where required. Centrelink can be contacted by telephone on 13 27 17, in writing or by visiting a Customer Service Centre. It is important to advise Centrelink within 14 days of a change of

wages because the worker's earnings may affect the rate of DSP. More information can be found at [www.centrelink.gov.au](http://www.centrelink.gov.au).

### **The Lead up to the Assessment**

The SWS assessor negotiates a suitable date and time with the worker, employer and Disability Employment Service provider for the assessment to take place. The Disability Employment Service Provider will usually make the arrangements with the employer and worker.

### **After the Assessment**

After the assessment is agreed upon and Wage Assessment Agreement is signed, the employer sends the signed Wage Assessment Agreement form to the relevant industrial authority (Industrial Registrar or Fair Work Australia), if required. The employer and SWS assessor must be satisfied that the correct name of the industrial instrument under which the employee is being employed is entered on the SWS Wage Assessment Agreement before sending it to the relevant industrial authority. The assessor may offer to send the SWS Wage Assessment Agreement to the industrial authority on behalf of the employer.

If a union representative was not party to the wage agreement, the industrial authority sends a copy of the Wage Assessment Agreement to the relevant union. If the union has not notified an objection to the industrial authority with 10 days, it then advises the employer and the SWMU that the Wage Assessment Agreement has been successfully filed.

The assessor always provides a copy of the Wage Assessment Agreement form to the agreement parties (e.g. the worker, employer, the union representative if party to the agreement, and the Disability Employment Service provider if required).

### **The Date for Beginning to Pay the Assessed Wage**

The date when the employer can legally pay the agreed pro rata award wage is the date when the Wage Assessment Agreement is signed. The employer should pay the agreed wage rate from this date and does not have to wait until notification has been received from the industrial authority that the Wage Agreement has been filed.

### **Review Date Negotiated**

The model SWS provisions specify that SWS reviews should occur annually, hence they are scheduled to occur within 12 months of the worker's previous assessment. However, in circumstances where it is not possible to complete a review within this 12-month period, the original assessment continues to apply until the review is undertaken. It should only ever be in exceptional circumstances that a review assessment is not undertaken within this 12-month period, for example, the employee is ill. To ensure compliance with the timeframes specified in the award or other instrument, assessors should ensure that reviews are conducted in a timely manner, to the extent that it is within their control.

An earlier review date may also be negotiated if there has been a significant change in work tasks or the productivity of the employee. Should the parties subsequently determine that this earlier review is unnecessary, the original agreement will remain valid for 12 months.

### **Change in Financial Circumstances**

The worker has a responsibility to advise Centrelink of any change in financial circumstances with 14 days of the change occurring.

## Review of Assessments

A review may be held before the scheduled date if at least one of the parties wishes this to occur.

Approximately ten weeks before the review is due, DEEWR will request a SWS approved assessor to make arrangements to undertake a review assessment.

It is the responsibility of the employer to ensure that a copy of the new Wage Assessment Agreement is sent to the relevant industrial authority, if required by the industrial instrument. The employer and SWS assessor must confirm the correct name of the industrial instrument that the employee is employed under is entered on the new Wage Assessment Agreement before it is signed and sent to the industrial authority. The employer may request the assessor send the Wage Assessment Agreement to the industrial authority on their behalf. The assessor advises the SWMU of the outcome of the review when they submit their assessment report online.

## Variation in Procedures for People who are not Receiving DSP

A person not receiving the DSP may choose:

- to apply for DSP
- not apply for DSP, but to request Centrelink to test whether they meet the medical impairment criteria for DSP to satisfy the SWS eligibility requirements.

If the applicant chooses to apply for DSP, a Pension Claim (Centrelink SA317(b).0701) and Treating Doctors Report can be downloaded from [www.centrelink.gov.au](http://www.centrelink.gov.au) or obtained by phoning the Centrelink Contact Centre on 13 27 17 or from a Centrelink Customer Service Centre. It is advisable that the applicant or their nominee obtains information from Centrelink on the claim process.

The applicant completes the claim for DSP and sends it to the local Centrelink office. Centrelink will contact the applicant about the claim.

If the person meets the DSP impairment criteria, the applicant, nominee or Disability Employment Service Provider informs the SWMU about this by phone. The SWMU confirms the information with Centrelink.

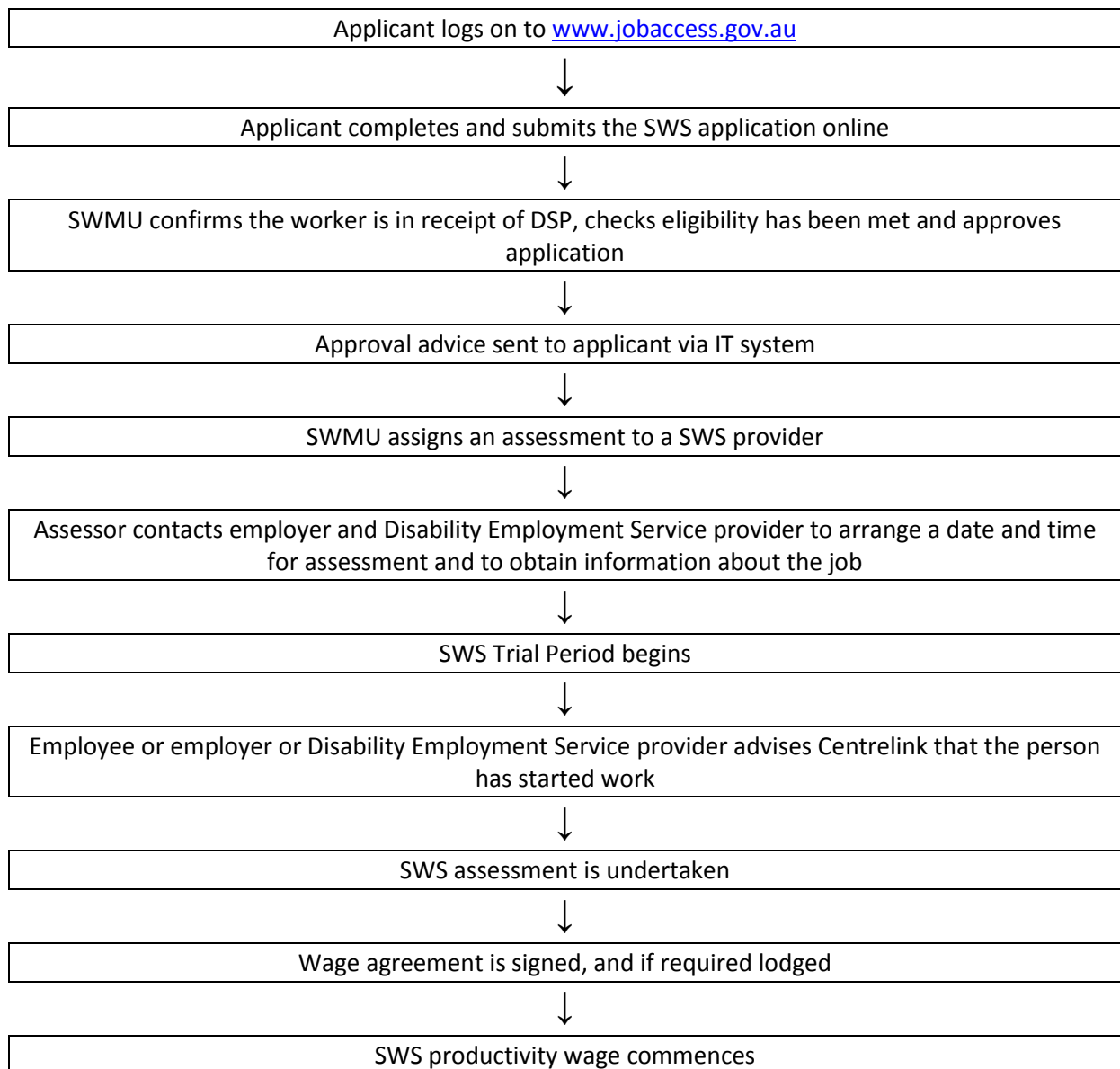
The SWMU then processes the SWS application in the usual way.

In this case, the SWMU would notify the Disability Employment Service Provider (or SWS applicant) and advise them of Centrelink's process for determining the person's eligibility for the SWS.

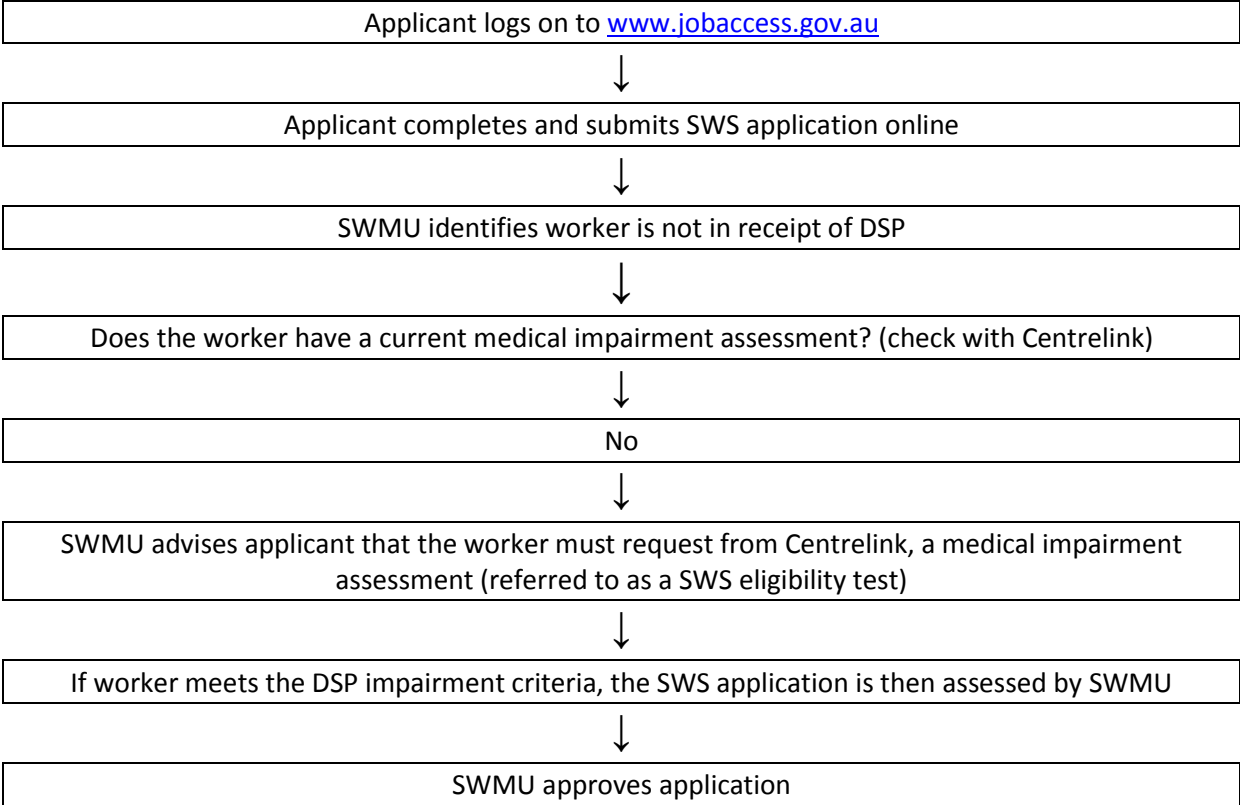
If the outcome of the test indicates eligibility for participation in the SWS, the SWMU then processes the application as previously outlined.

The procedures that apply to people with disability who are in receipt of DSP and those who are not, are outlined in the following flowcharts.

## Procedures Flow Chart for Applicants Receiving DSP



**Procedures Flow Chart for Applicants NOT Receiving DSP**



## Summary of SWS Application Process – eight keys steps

1. Access the JobAccess website at [www.jobaccess.gov.au](http://www.jobaccess.gov.au) or phone the SWMU (1800 065 123) for information
2. Complete and lodge the application online on the JobAccess website.
3. The SWMU confirms the applicant's eligibility
4. The SWMU approves or declines the application and advice is automatically sent to the applicant
5. The worker commences the Trial Period
6. DEEWR sends a Work Order to a SWS provider who makes arrangements for the SWS assessment
7. The SWS productivity assessment is conducted and agreed:
  - the employer pays the assessed wage rate and the wage assessment agreement is sent to the relevant industrial authority, if required.
  - if the industrial registrar is the relevant authority, they send the form to the relevant union for approval if required (if no union was involved in the wage assessment)
  - if the union does not oppose the assessment, the registrar advises the employer and the SWMU of the successful filing
  - if Fair Work Australia is the relevant authority, they file the Wage Assessment Agreement and advise the SWMU of successful filing.
8. The worker's productivity is reviewed at least annually thereafter. The SWMU sends requests to SWS providers to undertake the annual reviews.

## Section 3 Payment Types and Conditions

This section describes the payments to be made by the SWMU and requirements of SWS providers.

### Fees

Assessment fees – an assessment fee of \$600 (including GST) is payable on completion of an SWS assessment. If an SWS assessment will take more than 5 hours to complete, DEEWR may approve payment for up to an additional 4 hours at an hourly rate of \$120 (including GST). A loading of 70 per cent may be applied to the assessment fee where the assessment is completed in a Remote Employment Services Area.

Payment of SWS assessment services – payment for assessment services is only made on receipt of the following:

- a. The final assessment report completed and submitted online through [www.jobaccess.gov.au](http://www.jobaccess.gov.au). Should the assessment report be returned to the assessor for further revision, it must be re-submitted prior to the requested payment being released.
- b. A suitably completed Tax Invoice submitted online, detailing hours of services rendered.

The delivery of services may be confirmed with the employer through surveys or audits of services provided.

### Performance Management

Assessor performance is measured against the following Key Performance Indicators (KPI) as each assessment or review assessment is completed.

KPI	Description	Measures
KPI 1 Efficiency	1.1 Timeliness	<p>a) 90% of assessments are completed within the timeframes set out in the Disability Employment National Panel of Assessors Deed 2010-2012.</p> <p>b) 90% of allocated assessments are accepted by the Panel Provider.</p> <p>c) Where Panel Providers reject allocated assessments, the Panel Provider provides acceptable reasons for all rejections</p> <p>d) 90% of assessment reports are lodged within 7 Business Days of the date the assessment is conducted.</p> <p>e) Where DEEWR has returned Assessment Reports to the Panel Provider for corrective action, all subsequent reports are finalised and submitted to the Department within 5</p>

		Business Days of receipt of request by the Panel Provider.
KPI 2 Effectiveness	2.1 Accurate, individualised assessments.  2.2 Thorough assessment reports	a) Assessments are conducted in a manner that responds to the individual's circumstances, measured by DEEWR sampling of assessment reports and taking into consideration where there are a higher than average level of appealed decisions that are overturned. b) 90% of assessment reports sampled by DEEWR are accepted as complete, without requiring further work.
KPI 3 Quality	3.1 Stakeholder satisfaction	DEEWR's satisfaction with the delivery of the Services, as measured by performance data including results of stakeholder satisfaction surveys, feedback (including from other assessors subsequently assessing the same client) and complaints.

### Work Orders

DEEWR will allocate a Work Order to the SWS provider with details of the required assessment. Work Orders are usually allocated to SWS providers up to 10 weeks prior to the due date of the SWS assessment. This is to allow assessors as much time as possible to prepare for the assessment and to research the job requirements and talk to the employer, employee and Disability Employment Services provider, where relevant.

### Assessment Reports

The SWS provider is required to submit the SWS Assessment Report to DEEWR using the DEEWR IT system.

If DEEWR, at its discretion, considers that the scope of the SWS Assessment Report is not of sufficient standard, it will return the report to the SWS provider. The SWS provider must, at its own cost, ensure that within two business days a revised SWS Assessment Report is re-submitted to DEEWR, and that the standard of the revised SWS Assessment Report is acceptable to DEEWR.

### Timing of SWS Services

It is expected that the majority of both the SWS initial assessments and annual reviews will be completed within five hours (in total).

### Client Records

The SWS provider is not required to maintain client records, other than those entered in the DEEWR IT system.

### Compliance with other laws

The SWS provider agrees, in carrying out the SWS services, to comply with all relevant legislation of the Australian Government or of any state, territory or local authority and, in particular:

- *The Crimes Act 1914* (Cth)
- *the Racial Discrimination Act 1975* (Cth)
- *the Sex Discrimination Act 1984* (Cth)
- *the Disability Discrimination Act 1992* (Cth)
- *the Equal Opportunity for Women in the Workplace Act 1999* (Cth).

### **Insurance**

The SWS service provider must, unless otherwise specified in the Deed of Standing Offer have and maintain during the Term of the Standing Offer valid and enforceable insurance policies for:

- public liability providing coverage in respect of each claim for at least \$10 million, and
- workers' compensation for an amount required by the relevant State or Territory legislation, and
- professional indemnity for at least \$5 million, to be maintained during the Term and for at least seven years following the completion Date that covers the liability of the Provider at general law, and
- any other insurance relevant to the services.

## Section 4 The SWS Productivity Assessment Process

### Introduction

The productivity-based wage essentially requires a standard to be set of the productivity needed for the full rate of pay for the job, followed by an assessment of the worker's achievement against that standard.

A Disability Employment Service Provider may be involved in providing on-the-job support for the worker whose productivity is to be assessed. In practice, the SWS assessment may draw upon work already done by the employment service provider for the job placement.

Disability Employment Services providers often identify and record the key duties of a job. This guides the training provided for the worker. The usual job placement process often includes a discussion about the performance standards required for the key duties. This information guides the employee's training strategy and also gives each party a clear understanding of what is required for the placement to succeed.

A productivity assessment requires extra attention to any training-oriented description of duties and the subsequent assessment of the worker against those duties.

An important goal of the productivity assessment process is that it be reasonably easy to use and cause minimal disruption to the workplace.

The assessment must also guard against prejudice or bias (discussed later in this section) and ensure a fair wage rate is identified. The method of arriving at the assessment must be capable of scrutiny by an independent third party.

Workplaces are dynamic and each is unique – not every variation in job design or all worker requirements can be foreseen. Judgement is required in applying the assessment method in each particular environment.

Described below is how a SWS wage assessment is expected to be conducted, and the role of key individuals in the process, including:

- a summary of the assessment process
- pre-assessment checks
- explanation of each step in the assessment
- next steps after the assessment.

It should be noted that the SWS is not intended for short-tem contractors, short-term or temporary jobs and jobs where the core duties change often.

### Summary of the Assessment Process

#### List the duties of the position

Where the duties and tasks are already identified within the workplace, they should be checked for accuracy, given the possibility of job-redesign in the Trial Period. Existing job descriptions or competency standards specific to a particular workplace can also save time when defining the job. In some cases, there may be consideration of the appropriate classification of the position.

### **Set a standard for each duty**

The standards show what is needed to earn the minimum rate of pay under the relevant industrial instrument for each duty. In many cases, the most effective way to set a standard is by observing the standards of co-workers performing the same duties in the workplace.

### **Establish the worker's achievement against the standards**

The rate and quality of work in each duty are assessed.

### **Check the worker's time spent on each duty (hours per week)**

In calculating the productivity rate, each duty the worker performs is weighted according to the amount of time spent on that duty (usually per week, but could be per day, per fortnight, etc). Duties are time weighted so that poor performance on a minor duty (or vice versa) does not adversely affect the wage rate.

### **Calculate the Productivity Rate**

The worker's achievement on each duty is compared with the workplace's standard for that duty:

- the comparative performance is then multiplied by the percentage of time spent on each duty. This gives a percentage of the award to be paid for each duty
- the final percentage of the rate of pay to be paid for each duty is added
- in some cases, the productivity rate may be adjusted for supervision and other work-related factors (see Optional Assessment Steps at the end of this section)
- the resultant figure, adjusted up or down to the nearest 10 per cent increment, is the percentage of the rate of pay in the relevant industrial instrument payable to the worker, and
- each party comments on the process (if it wishes to do so) and signs the Wage Assessment Agreement.

### **Pre-Assessment Checks**

The assessor will need to be satisfied before the wage assessment, that the required pre-assessment checks have been completed.

An employment service provider, where used, should check the items listed below (regardless of the anticipated use of full or pro rata wages). The checks will occur before and during the job placement, as they are customary job-matching tasks for most people with significant disability.

### **Suitability of the worker and the Job Design**

Is there an appropriate match between the individual and the job?

- Does the placement capitalise on the strengths and abilities of the worker, or does the placement place undue focus on areas of disability?
- The worker's freedom of choice and preferences should, of course, always be an integral part of this process.
- Are there any desirable changes to tasks allocation in the work team? Such changes may improve overall productivity and help match the employer's requirements and the abilities of the worker.
- DEEWR can provide reimbursement for the provision of necessary modifications to the workplace to assist with the worker's mobility or performance at work. More information can be found at [www.jobaccess.gov.au](http://www.jobaccess.gov.au).

### **Reasonable Adjustment**

Reasonable adjustment is given statutory force in the Commonwealth *Disability Discrimination Act* (DDA) 1992 and in other similar Acts at the state and territory levels.

Sometimes reasonable adjustment requires more than modification to the physical working environment. The manner in which reasonable adjustment is made will vary according to the needs of the worker with disability, the nature of the job, the physical setting, and the knowledge of people in the workplace,

Section 15 (4) of the Disability Discrimination Act permits employers to make distinctions in employment decisions on the basis that a worker (because of disability) is unable to perform the inherent requirements of the job despite adjustments that might be made, where such adjustment would impose unjustifiable hardship. The DDA does not require unreasonable or ineffective adjustments to be made, but it does require reasonable adjustments. The provision of an appropriate modification to the workplace could mean the difference between a 60 per cent level of assessed productivity and an 80 per cent level.

### **Training**

The worker may require additional training or time in the workplace to meet the basic requirements of the job. This has been addressed by the inclusion of a Trial Period in the relevant industrial instrument containing SWS provisions. The type of industrial instrument the worker is operating under will determine the provisions for the Trial Period.

The SWS schedule contained in most modern awards allows up to 12 weeks as a training or settling-in period, before the initial assessment is required to be conducted. The Trial Period may be extended by up to four additional weeks to a maximum period of 16 weeks, but only if there is agreement that the trial worker could further improve their work performance significantly in that time.

The *special Pay Scale* and *special Federal Minimum Wage* provide for a Trial Period not exceeding 16 weeks.

The worker with disability should reach a reasonably stable level of job performance before a SWS productivity assessment is conducted.

### **Evidence that the Worker would be unable to work at Full Award Wage Level**

The parties should be satisfied that an award wage level of work performance appears not to have been achieved so far on the job, and is unlikely in the short term.

The presence of disability or eligibility for DSP should not, of themselves, be taken to indicate the need for a SWS productivity wage.

Many people with high levels of disability are able to work at full award wages. Where a Disability Employment Service provider is involved, care should be taken in any discussion of current productivity to avoid prejudging the outcome of the later productivity assessment.

### **Explanation of Each Step in the Assessment**

Guidelines and training in the methods of gathering information for productivity assessments are provided to contracted SWS providers. The following is a description of the key points in productivity assessments:

**Assessment Step 1: List the Major Duties of the Position. Briefly Describe the Major Tasks of Each Duty.**

In some cases information on the duties and tasks of the job will already be contained in:

- the specialised training plan for the worker
- existing job descriptions and personnel documents
- competency standards within competency based training systems, and
- the relevant award.

Duties and tasks may be identified or confirmed by observation and by talking to the supervisor, worker, Disability Employment Service provider and co-workers. This is made easier by considering the outcomes or key results to be achieved by the job, and then thinking about the tasks needed to achieve these outcomes.

The appropriate classification for the position is determined by the provisions of the relevant industrial instrument. The classification is identified by comparing the duties to be undertaken by the worker with the classifications and associated definitions in the industrial instrument.

Where a worker performs duties that span more than one classification, any specific provisions dealing with this situation should be applied, or if there is none, the industrial practices generally applying under the relevant Pay Scale should be used.

**Assessment Step 2: Agree on a basic standard for each duty at the full rate of pay for the job as prescribed in the relevant industrial instrument.**

The assessment requires some measure, or standard of the Basic Performance Standard that would be expected from a worker, against which the worker with disability may be assessed.

- An industrial instrument may have established the competency and productivity standards required for workers entitled to receive the minimum rate of pay. It should, therefore, not always be necessary to set these standards as part of the assessment process. Key points about the use of performance standards in the assessment system are:
  - Standards should always reflect the basic level of performance that would be expected from a competent worker performing the same duties as the worker with disability.
  - To adopt some higher or 'ideal' standard would unfairly disadvantage SWS workers. The reason is that the minimum pay of other workers is not determined by this higher standard.
  - Standards need to be set only for those duties or tasks where the individual's disability has some bearing on performance.

For any parts of the job unaffected by the disability, the worker may be assumed to meet the standard without any assessment being applied. It would simply be a matter of recording that the worker met 100 per cent of the requirements for the amount of work time spent on that duty.

**Assessment of Quality**

Employers and assessors should specify performance standards that incorporate both quality and quantity components.

The standard used for quality will be that required by the employer for the duty in question.

An example of such a standard may be: 'produce x units per hour, with a rejection rate not exceeding y per cent'. The standard would be taken from the performance of co-workers performing the same

or similar jobs in the workplace in question. The performance of the SWS worker can be assessed against such a standard, with the number of 'rejects' in excess of those allowed under the standard, deducted to form the score.

### **Methods of Gathering Information for Performance Standards**

Quantifying a worker's achievement will often be the easiest and most reliable way of setting performance standards, and of assessing the worker's achievement against the standards – especially in assembly, manufacturing or process duties.

While the need for judgement is a necessary part of the productivity assessment, the greater the reliance on subjective judgement, the greater the scope for bias and inconsistency (see 'Avoidance of Bias' at the end of this section). The use of reliable data is therefore the preferred method of setting standards and assessing the worker's achievement.

However, where duties are appropriately quantified, a qualitative standard will be used.

Each party to the assessment must agree to the performance standards and to the assessed levels of work achievement against those standards.

Information on co-workers' performance should normally be used in setting performance standards. This information can often be achieved without direct observation of co-workers. Many workplaces gather reliable production statistics which can be a non-intrusive means of establishing performance information.

In cases where co-workers cannot contribute to the setting of performance standards (such as where the position is new, there is no-one else performing those duties), it may be useful for the SWS assessor to perform the duty to develop reasonable expectations of performance.

If a co-worker is involved in a standard determination exercise, the person should be competent in the task but, preferably, have a similar length of experience on the job as the person who is the subject of assessment. The performance of workers who have been doing the same job for many years could be unusually high.

If co-workers are being monitored to develop performance standards, they should be advised of this. It should be noted that the very fact of providing this information could improve the co-worker's achievement.

Information gained over too short a period may over-estimate the performance that can be sustained over time.

Gathering information to set standards should be made under conditions closely approximating those normally applying to the workplace.

Naturally, provision should be made for rest breaks and personal time, consistent with the needs of the worker or the general operating standards of the workplace.

There is a wide variation in the performance of workers with disability, just as there is in the performance of workers without disability. Variations in performance reflect a wide range of workplace factors, not only the capabilities of the individual (e.g. supervision and work design).

Where the job involves considerable variation in duties on a day to day basis, it may be desirable to create a simulated work routine for the purpose of establishing performance standards and assessing achievement against these standards.

In this approach, the performance standard and subsequent assessment of the individual's achievement would be based on a representative sample of tasks drawn from the range of duties the worker would typically perform in the job.

***Assessment Step 3: Compare the worker's achievement on the job with agreed basic workplace standard for each duty***

The assessment of the worker's achievement would almost always be made in the usual work setting. Certainly the worker, or their representative (union or nominee) or the employer, would be entitled to seek an opportunity for the worker to demonstrate their capabilities.

As noted above, there should be no assessment of any duties where the disability clearly has no bearing on the worker's performance. Such duties should be listed and rated at 100 per cent achievement. The total percentage of time taken to perform such a duty is recorded.

For each duty or task, the parties agree on an appropriate rating for the worker against the performance standard. Achievement is expressed as a percentage, with 100 per cent level representing the agreed performance standard for the full relevant rate of pay for the job.

The following points apply to any demonstration of performance by the worker:

- the goal is to choose unobtrusive and reliable methods of gaining productivity information
- observation or monitoring the worker's achievement in the course of their normal work is clearly preferable to a separate and more formal demonstration exercise (although this may be desirable in some cases).

Observation or monitoring should:

- be conducted in as natural and sensitive a manner as possible, so the worker is comfortable and relaxed
- be done independently of any 'hands on' assistance from supervisors, co-workers or placement agency staff
- ensure the worker receives the same level of support and supervision that would be reasonably available to other people who do not have a disability, such as being able to ask questions or discuss problems
- ensure the worker is free to stop and repeat the process if they feel uncomfortable.

***Assessment Step 4: Specify the time spent on each duty***

The time spent on each duty is used to adjust the worker's performance rating for each duty. This ensures low (or high) performance on a minor duty will not unfairly influence the overall productivity rate. Time is generally also a useful indicator of the importance of each duty.

**Why use time to assess task performance?**

Duties and tasks may vary in importance according to how frequently they are performed, how critical they are to job performance and how difficult they are to learn.

The fairness of the time dimension is indicated in the following example.

A worker in a plant nursery spends 60 per cent of her time on one duty at which she achieves 70 per cent of the expected performance for the relevant rate of pay. She spends 30 per cent of her time in a second duty in which she achieved 50 per cent of the expected performance for the relevant rate of pay. The remainder of her time is spent on a duty in which her performance is at 40 per cent of the standard.

Without a time weighting her performance rating would be 53 per cent:

Duty 1	70%
Duty 2	50%
Duty 3	40%
<hr/>	
Average	53%

With a time weighting, however, her performance rating (without supervision or other adjustment) is 61 per cent:

Duty 1	70% x .60 =	.42
Duty 2	50% x .30 =	.15
Duty 3	40% x .10 =	.04
<hr/>		.61 (by addition)

The proportion of time spent on a duty is the simplest and most reliable proxy measure for the importance of a duty and is important for a fair wage outcome.

#### **Assessment Step 5: Calculate the appropriate wage level**

The usual process for wage calculation:

- The extent to which the worker achieves the Basic Performance Standard for each duty – expressed as a percentage – is simply multiplied against the time spent in that duty. This step adjusts the rate of pay for each duty, so that low performance or a minor duty will not excessively reduce the overall wage rate.
- The result is the amount of the relevant rate of pay to be paid for that duty. This is shown on the sample assessment sheet at the end of this section.
- The result from each duty is then added to give the percentage of the full relevant rate of pay for the job.
- In a minority of cases the wage result may need to be varied if the worker's achievement is increased (or reduced) because the person requires an unusually low (or high) degree of employer supervision or co-worker assistance. Note: it cannot be reduced for supervision provided by a Disability Employment Service provider, an Australian Disability Enterprise or other government funded employment service provider.

Any adjustments of this type are to be limited to the percentile band in which the assessed wage falls. For example, an assessment of 67 per cent may be adjusted up to no higher than 70 per cent or down to no lower than 60 per cent.

Detailed guidelines for assessing these factors are under the 'Optional Assessment Steps – rounding', at the end of this section.

It would be inappropriate to always apply a mathematical formula to round off the total. This would assume precision in the amount to be rounded that may not be warranted in all circumstances given the nature of the assessment task.

Instead, the judgement can be made by reviewing the assessment process as a whole, including the optional supervision step, to determine whether, on balance, the overall productive capacity of the worker would be better reflected by taking the assessment to the higher or lower decile.

It should be noted that where both rounding and adjustment for supervision are used, the two combined must not be outside the decile band in which the assessed rate falls.

### **Minimum Wage Outcome**

The national minimum wage for people with disability on SWS provisions is to be paid by the employer as a safeguard. This minimum wage will be reviewed annually by Fair Work Australia and will be published at [www.fwa.gov.au](http://www.fwa.gov.au). This review will be conducted so that any increased wages can be implemented from the beginning of the first pay period on or after 1 July each year. The minimum SWS wage applies even where productivity assessment indicates a lower rate of payment.

In rare instances, where the relevant industrial instrument does not fall under the jurisdiction of Fair Work Australia, the minimum amount payable may be different than the SWS minimum weekly wage where it is prescribed in the relevant industrial instrument. For additional information contact Fair Work Online on 13 13 94.

### **Payments above the Rate of Pay Specified in the Relevant Industrial Instrument**

Where payments are made above the relevant award rate of pay as determined under the appropriate industrial instrument, the pro rate wage should be based on the actual rate of pay.

Employers pay their workers above the relevant rate of pay for a variety of reasons. In some cases, over award payments are applied to all workers in a particular classification and in others they are applied only to particular workers in specific circumstances. Whether the assessed worker should receive a pro rata wage based on a rate of pay above the relevant industrial instrument may depend on particular workplaces (having regard to the provisions of the *Disability Discrimination Act 1992*).

The Disability Discrimination Act effectively provides that an assessed worker cannot be excluded from being paid above the rate of pay specified in the relevant industrial instrument on the grounds of disability. However, to qualify for a pro rata amount which exceeds that prescribed in the relevant industrial instrument, the assessed worker would have to meet any specific criteria applicable for the payment in that particular workplace.

As a general rule, where the employer pays all workers in a particular classification, at a rate of pay above that specified in the relevant industrial instrument at the workplace in question, the pro rata amount for the SWS worker would include the amount above the relevant rate of pay.

### **Productivity Assessment in Part-Time Jobs**

Part-time jobs can be assessed under the SWS using the same procedure and calculations as for full-time jobs. This can be achieved by using the part-time hourly figures in the wage calculations.

### **Next Steps after the Assessment**

This section covers the remaining steps in the assessment process.

## Reaching agreement

The parties agree on the wage rate and date for review, and sign the wage agreement. For the purposes of the Wage Assessment Agreement, a nominee whom the worker nominates in accordance with relevant state laws will be accepted as the signatory. This could occur in cases where the worker agrees with the outcome of assessment but is unable to sign the document.

## Commenting on the process

Any of the parties may record their comments on any aspect of the process. Each party is entitled to read the comments of the other parties before signing the agreement.

## Notifying the Industrial Registrar

Where required by the relevant industrial instrument, the employer must provide copies of the completed Wage Assessment Agreement to the Industrial Registrar or to Fair Work Australia, as relevant. The Registrar will notify the relevant union, if that union did not participate in the assessment process, as the Wage Assessment Agreement must be ratified by the relevant union prior to the agreement taking effect. The agreement will take effect, unless the union notifies the Registrar of its objection, within 10 business days.

## Assessment Steps

### Rounding

#### Background

The basis of the process of rounding within the SWS is contained in the SWS Schedule which is included in most modern awards (see [Attachment A](#)). This section refers to an 'applicable percentage' of the minimum rate of pay prescribed in the award or industrial agreement. A worker's assessed capacity, for the purposes of determining a wage, is expressed in percentile bands.

From this, it was agreed between employers, union and the Australian Government prior to the commencement of the SWS that the actual (unrounded) assessed rate would be rounded to the nearest ten percentile band. The method of doing this would be a simple arithmetic rounding.

#### Adjusting for supervision

Within the SWS, there is also provision for rounding using a method other arithmetic. This may occur in cases where the unrounded assessed rate is required to be either raised or lowered at account of factor that have not been accounted for elsewhere in the assessment, for example, where:

- significant adjustments have to be made to the duties of other workers in order to integrate the assessed worker into the mainstream workplace
- the employer incurs a significant additional cost in ensuring the worker meets the required quality standard, and/or
- there are major and recurring fluctuations in the worker's output levels, such that the supervisor or co-worker (excluding DES providers and supported employment employers) need to provide additional supervision or support to ensure that the worker maintains performance levels as per the worker's assessed capacity.

Any adjustment other than arithmetic may only take place within the percentile band in which the assessed rate falls. For example, an assessed rate of 67 per cent cannot be rounded down below 60 per cent. An assessed rate of 60 per cent cannot be reduced any further, as this would place the worker's productivity level in a different (lower) percentile band.

The object in placing this restriction on the amount of adjustment is to limit the extent to which a worker's assessed rate can be reduced. Thus, the maximum possible amount by which an assessed rate can be lowered is 9.99 per cent.

Adjusting for supervision may also be considered when the worker requires significantly less supervision than would reasonably be expected from a competent worker (as may be the case where a permanent support worker is present).

The adjustment may be used to take into account other work-related factors not covered elsewhere in the assessment; for example, to acknowledge non-quantifiable or 'intangible' benefits the worker brings to the job (such as a high level of commitment or reliability) or to acknowledge other skills or attributes.

In cases where this adjustment is used and produces a very low wage rate, the suitability of the job for the individual should be re-examined. Further training or vocational assessment may be required to establish a suitable job.

Where adjustment for supervision or co-worker assistance is used, assessors are required to record the reasons in their assessment report in support of any such deduction.

The provision of scope for an adjustment within the percentile band is seen as being a simple and consistent means of dealing with the issue. Before making such an adjustment, however, it should be noted that workers with disability require supervision and assistance to meet required standards, as do workers without disability.

This deduction is not intended to apply when the assistance or support provided by managers and co-workers is only occasional or incidental to the worker's duties.

Supervision and support provided to the worker by services external to the workplace (such as a Disability Employment Service provider or Australian Disability Enterprise) should, of course, not be counted for the purpose of calculating the appropriate wage rate. It is important that any adjustments for rounding and supervision, when used, are considered together so that the worker is not disadvantaged by having two adjustments to the assessed wage.

### **Avoidance of Bias**

The SWS uses a specific assessment process to ensure wage rates are fair and to guard against bias or prejudice. A number of potential sources of bias may apply in the assessment of individual capabilities, particularly in the assessment of people with disability.

The following are some of the sources of bias:

- Expectancy bias – if you expect people to behave in a certain way, you will probably perceive them as behaving in that way. Someone who stereotypes people with disability as, for example, costly to employ, troublesome (i.e. having behaviour problems, being disruptive, etc.), and likely to be absent more often as a result of health problems, is more likely to see them as demonstrating those behaviours.
- The 'halo effect' in rating skills and performance – drawing an impression of a worker based on a single characteristic, such as intelligence or appearance. The halo may be either positive or negative; for example, a negative halo may be to assume that, simply because a worker has a speech impairment, he or she also has an intellectual disability.
- Failure to recognise the 'implicit' skills and attributes of the worker with disability, e.g. ability to cooperate with others or to focus attention on a task.

- Gender factors – research suggests that gender discrimination in the general labour force interacts with discrimination against people with disability to severely disadvantage women with disability, in terms of access to jobs, training, services and income.
- Discrimination on the basis of age needs also to be considered, particularly in view of the ageing of the population.

The need to avoid bias in the assessment system may be approached by:

- Ensuring that assessments are based on explicit criteria that are (as far as possible) capable of measurement or observation (i.e. performance standards) rather than on unstructured subjective assessments.
- Including in any training for those undertaking assessments, specific materials on recognising and preventing bias.

### Assessment Summary Sheet

The Duty list on the IT system displays the duties that the worker performs in their job. The duties are populated from the SWS Application. Assessors should add, delete or amend what was submitted if required.

Duty number	Title	Ave co-worker observation	Ave participant observation	Participant Productivity (%)	Hours per week	Percentage of total time (%)
1	Picking Fruit	7:49	11:39	67.1	5:25	45
2	Packing Fruit	36:67	21:56	58:79	4:35	38
3	Loading Fruit	22:16	58:44	37:92	2:00	17

## Section 5 Industrial Relations

### Introduction

The SWS was established for employees who have a disability that reduces their productive work capacity. Appropriate workplace relations arrangements are necessary to enable the payment of SWS pro rata wages. Pro rata wages under the SWS are determined by reference to the employee's assessed productive capacity. Under the SWS, an employee with disability may only access the SWS if the industrial instrument that applies to the employee contains SWS provisions.

### SWS Provisions in Industrial Instruments

It is the employer's responsibility to identify the applicable industrial instrument under which they will employ a person. The employer must ensure the information about the industrial instrument entered on the Wage Assessment Agreement is current and accurate. While an employee may have access to SWS provisions through a state or federal industrial instrument, not all instruments will contain SWS provisions. It is therefore essential that the industrial instrument be identified and that a check is conducted by the employer to confirm it contains SWS provisions.

From a January 2010 most employers and employees in Australia are covered by the national workplace relations system and one set of workplace relations laws, including most employers and employees who were previously covered by state workplace laws. Accordingly, the majority of employers and employees will be covered by a modern award or enterprise agreement, most of which will contain the model SWS provisions. The model provisions are included at [Attachment A](#).

The national system covers all employers (and their employees) who are:

- operating as constitutional corporations (these are corporations that engage in trading or financial activity, usually Pty Ltd or Ltd companies)
- operating in Victoria, Northern Territory or the Australian Capital Territory or a body corporate incorporated in Northern Territory or the Australian Capital Territory
- the Commonwealth or a Commonwealth authority, and
- employers employing a waterside employee, maritime employee or flight crew officer employed in connection with interstate or overseas trade or commerce.

The national system also covers employers (and their employees) who are:

- private sector employers (e.g. those operating as sole traders, partnership, or unincorporated entities) in Victoria, New South Wales, Queensland, South Australia or Tasmania
- public service employers in Victoria, in Northern Territory or the Australian Capital Territory, and
- local government employers in Tasmania, Victoria and the Northern Territory.

The national system does not cover:

- private sector employers (e.g. those operating as sole traders, partnerships, or unincorporated entities) and their employees in Western Australia, and
- public sector employees in states other than Victoria.

[Attachment B](#) provides a tabular description of employers covered by the national workplace relations system by state and territory.

## Determining the appropriate industrial instrument

An employer must identify the industrial instrument under which they seek to employ a person with disability, to ensure that the instrument contains SWS provisions.

As noted above, the majority of employers will be covered by a modern award or enterprise agreement, most of which will contain the model SWS provisions. However, SWS provisions may also be included in a range of other industrial arrangements and these provisions may vary slightly from the model provisions. For instance, they may contain different lodgement procedures or a different Trial Period.

For assistance with determining an appropriate industrial instrument, contact Fair Work Ombudsman on 13 13 94 or [www.fwo.gov.au/](http://www.fwo.gov.au/)

### What if the applicable industrial instrument does not include SWS provisions?

The vast majority of modern awards in the national workplace relations system include the model SWS provisions. This means that most employees to whom a modern award applies will have access to the SWS. However, if an applicable industrial instrument applying to an employee does not contain SWS provisions, then the employer and employee are generally not able to access SWS.

In this situation, employers and employees in the national system may seek to make an enterprise agreement that will include SWS provisions. There is information available on the Fair work Australia website about making variations.

Employers who have an existing enterprise agreement which doesn't contain the SWS provisions, may seek to vary their agreement to add SWS provisions.

In cases where a state award does not include SWS provisions, the parties to the award (the union or employer) can apply to the relevant state industrial tribunal to have SWS provisions inserted in to the award. This can be done where there is a potential SWS worker with a specific job in mind or in anticipation of a general future need. This will only be applicable in the case of employers covered by the Western Australia state industrial relations systems, state public service employers (except Victoria) and local government employers (except in Victoria and Tasmania), who remain covered by state workplace relations systems.

### Lodging a SWS Wage Assessment Agreement

As outlined above, many private sector employers are now covered by the national workplace relations system. Therefore, most employees will be covered by SWS model provisions in a modern award. The model provisions contained in most Modern Awards (included at [Attachment A](#)) state that all SWS wage assessment agreements, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with Fair Work Australia. Contact details for Fair Work Australia are [Attachment C](#).

It is the responsibility of the employer to lodge the assessment agreement. However, it is customary for the SWS assessor to complete this task on behalf of the employer as part of their role as facilitator, if the employer so requests.

Where an assessment has been conducted subject to a SWS provision in a relevant state award, such as an assessment for an employee in Western Australia who is not employed by an employer in the national workplace relations system, then these assessments should continue to be lodged, using the lodgement provisions in the relevant award. This is likely to require lodgement of the wage assessment agreement with the Industrial Registrar of the state industrial tribunal such as for

example, the Western Australian Industrial Relations Commission. Contact details for state industrial tribunals are provided at [Attachment D](#).

Some existing industrial instruments may not include specific provisions for lodgement of SWS wage assessment agreements.

**Where a union has an interest in the award, but is not involved in the wage assessment.**

Where a union which has an interest in the relevant modern award is not party to the SWS assessment, the assessment agreement will be referred by FWA to the union by certified mail and the agreement will take effect unless an objection is notified to FWA within 10 working days.

**Review of assessment**

The model SWS provisions provide that the assessment of the applicable percentage should be subject to annual or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the SWS.

**Special National Minimum Wages**

The specialist Minimum Wage Panel within FWA is required to review minimum wages annually, with any wage adjustments taking effect from the first pay period to commence on or after 1 July each year. In each annual minimum wage review, FWA is required to make a national minimum wage order for employees not covered by a modern award or agreement. The national minimum wage order is to include a special national minimum wage for employees with disability.

It should be noted that where a relevant industrial instrument in the national system, other than a modern award, specifies rates that are lower than the special National Minimum Wage, then the level specified in the special National Minimum Wage will apply.

## Attachment A – SWS Schedule C in modern awards

**C.1** This schedule defines the conditions which will apply to employees who because of the effects of a disability are eligible for a supported wage under the terms of this award.

**C.2** In this schedule:

**Approved assessor** means a person accredited by the management unit established by the Commonwealth under the supported wage system to perform assessments of an individual's productive capacity within the supported wage system

**Assessment instrument** means the tool provided for under the supported wage system that records the assessment of the productive capacity of the person to be employed under the supported wage system

**Disability Support Pension** means the Commonwealth Government pension scheme to provide income security for persons with a disability as provided under the social Security Act 1991 (Cth), as amended from time to time, or any successor to that scheme

**Relevant minimum wage** means the minimum wage prescribed in this award for the class of work for which an employee is engaged

**Supported Wage System (SWS)** means the Commonwealth Government system to promote employment for people who cannot work at full award wages because of a disability, as documented in the Supported Wage System Handbook. The Handbook is available from the following website: [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

**SWS wage assessment agreement** means the document in the form required by the Department of Education, Employment and Workplace Relations that records the employee's productive capacity and agreed wage rate

### **C.3 Eligibility criteria**

**C.3.1** Employees covered by this schedule will be those who are unable to perform the range of duties to the competence level required within the class for which the employee is engaged under this award, because of the effects of a disability on their productive capacity and who meet the impairment criteria for receipt of a disability support pension.

**C.3.2** The schedule does not apply to any existing employee who has a claim against the employer which is subject to the provisions of workers compensation legislation or any provision of this award relating to the rehabilitation of employees who are injured in the course of their employment.

### **C.4 Supported wage rates**

**C.4.1** Employees to whom this clause applies shall be paid the applicable percentage of the relevant minimum wage according to the following schedule:

Assessed capacity [sub-clause (d)]	% of prescribed award rate
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%

60%	60%
70%	70%
80%	80%
90%	90%

C.4.2 Provided that the minimum amount payable must be not less than \$75 per week

C.4.3 Where an employee's assessed capacity is 10%, they must receive a high degree of assistance and support.

### **C.5 Assessment of capacity**

C.5.1 For the purposes of establishing the percentage of the relevant minimum wage, the productive capacity of the employee will be assessed in accordance with the Supported Wage System by an approved assessor, having consulted the employer and the employee, and if the employee so desires, a union which the employee is eligible to join.

C.5.2 Assessment made under this schedule must be documented in a SWS wage assessment agreement, and retained by the employer as a time and wages record in accordance with the Act.

### **C.6 Lodgement of SWS wage assessment agreement**

C.6.1. All SWS wage assessment agreements under the conditions of this schedule, including the appropriate percentage of the relevant minimum wage to be paid to the employee, must be lodged by the employer with Fair Work Australia.

C.6.2 All SWS wage assessment agreements must be agreed and signed by the employee and employer parties to the assessment. Where a union which has an interest in the award is not a party to the assessment, the assessment will be referred by Fair Work Australia to the union by certified mail and the agreement will take effect unless an objection is notified to Fair Work Australia within 10 working days.

### **C.7 Review of assessment**

The assessment of the applicable percentage should be subject to annual review or more frequent review on the basis of a reasonable request for such a review. The process of review must be in accordance with the procedures for assessing capacity under the support wage system.

### **C.8 Other terms and conditions of employment**

Where an assessment has been made, the applicable percentage will apply to the relevant wage rate only. Employees covered by the provisions of the schedule will be entitled to the same terms and conditions of employment as all other workers covered by this award paid on a pro-rata basis.

### **C.9 Workplace adjustment**

An employer wishing to employ a person under the provisions of this schedule must take reasonable steps to make changes in the workplace to enhance the employee's capacity to do the job. Changes may involve redesign of job duties, working time arrangements and work organisation in consultation with other workers in the area.

### **C.10 Trial Period**

C.10.1 In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person under the provisions of this schedule for a Trial Period not exceeding 12 weeks, except that in some cases additional work adjustment time (not exceeding four weeks) may be needed.

C.10.2 During that Trial Period the assessment of capacity will be undertaken and the percentage of the relevant minimum wage for a continuing employment relationship will be determined.

C10.3 The minimum amount payable to the employee during the Trial Period must be no less than \$75 per week.

C10.4 Work trials should include induction or training as appropriate to the job being trialled.

C10.5 Where the employer and employee wish to establish a continuing employment relationship following the completion of the Trial Period, a further contract of employment will be entered into based on the outcome of assessment under clause C.5.

## Attachment B – Coverage of the national workplace relations system by state and territory

	Constitutional Corporation Private Sector	Non Constitutional Corporation Private Sector	Federal Government	State/Territory Government	Local Government
NSW	Yes	Yes	Yes	No	No
VIC	Yes	Yes	Yes	Yes	Yes
QLD	Yes	Yes	Yes	No	No
SA	Yes	Yes	Yes	No	No
WA	Yes	No	Yes	No	No
TAS	Yes	Yes	Yes	No	Yes
NT	Yes	Yes	Yes	Yes	Yes
ACT	Yes	Yes	Yes	Yes	N/A

For more information on who is covered by the national workplace system, please contact Fair Work Ombudsman on 13 13 94 or [www.fwo.gov.au](http://www.fwo.gov.au)

## Attachment C – Fair Work Australia – contact details

You can contact Fair Work Australia between 9.00 am and 5.00 pm on ordinary working days.

If you need help to communicate with Fair Work Australia, you can use the Translating and Interpreter Service on telephone 131 450. If you have a hearing, sight or speech impairment, you can use the Speech to Speech Relay through the National Relay Service on 13 36 77.

You can contact Fair Work Australia through the following:

- Online: Live online help is available. Go to the Fair Work Australia website [www.fwa.gov.au](http://www.fwa.gov.au) and click on the 'Talk to us online' link.
- Email: Inquiries can be emailed to [inquiries@fwa.gov.au](mailto:inquiries@fwa.gov.au)
- Telephone: The national Fair Work Australia Help Line number 1300 799 675.
- In person: Visit the Fair Work Australia office in your capital city.

<p><b>Australian Capital Territory</b>            2<sup>nd</sup> Floor, CML Building 7-21 University Avenue            Canberra ACT 2600            GPO Box 539            Canberra City ACT 2601            Ph: (02) 62092400            Fax: (02) 6247 9774            Out of hours emergency: 0408 447 112            Email: <a href="mailto:Canberra@fwa.gov.au">Canberra@fwa.gov.au</a></p>	<p><b>New South Wales</b>            Level 8, Terrace Tower, 80 William Street, East            Sydney NSW 2011            Ph: (02) 8374 6666            Fax: (02) 9380 6990            Out of hours emergency: 0419 328 011            Email: <a href="mailto:Sydney@fwa.gov.au">Sydney@fwa.gov.au</a></p>
<p><b>Northern Territory</b>            10<sup>th</sup> Floor, Northern Territory House,            22 Mitchell Street            Darwin NT 0800            GPO Box 969            Darwin NT 0801            Ph: (08) 8936 2800            Fax: (08) 8936 2820            Out of hours emergency: 0418 895 495            Email: <a href="mailto:Darwin@fwa.gov.au">Darwin@fwa.gov.au</a></p>	<p><b>Queensland</b>            Level 14, Central Plaza Two, 66 Eagle Street            Brisbane Qld 4000            PO Box 5713            Central Plaza            Brisbane QLD 4001            Ph: (07) 3000 0399            Fax: (07) 3000 0388            Out of hours emergency: 0419 335 202</p>
<p><b>South Australia</b>            Level 6, Riverside Centre, North Terrace Adelaide            SA 5000            Station Arcade            Adelaide SA 5000            Ph: (08) 8308 9863            Fax: (08) 8308 9864            Out of hours emergency 0419563 601            Email: <a href="mailto:Adelaide@fwa.gov.au">Adelaide@fwa.gov.au</a></p>	<p><b>Tasmania</b>            1<sup>st</sup> Floor, Commonwealth Law Courts, 39-41            Davey Street, Hobart TAS 7000            GPO Box 1232M, Hobart TAS 7001            Ph: (03) 6214 0200            Fax: (03) 6214 0202            Out of hours emergency: 0418 124 021            Email: <a href="mailto:Hobart@fwa.gov.au">Hobart@fwa.gov.au</a></p>
<p><b>Victoria</b>            Level 4, 11 Exhibition Street, Melbourne, Vic            3000            GPO Box 1994, Melbourne Vic 3001            Ph: (03) 8661 777            Fax (03) 9655 0401            Out of hours emergency: 0419 960 157            Email: <a href="mailto:Melbourne@fwa.gov.au">Melbourne@fwa.gov.au</a></p>	<p><b>Western Australia</b>            Floor 12, 111 St George Tce, Perth, WA 6000            GPO Box X2206, Perth WA 6001            Ph: (08) 9464 51 72            Fax: (08) 9464 5171            Out of hours emergency: 0448 275 936            Email: <a href="mailto:Perth@fwa.gov.au">Perth@fwa.gov.au</a></p>

## Attachment D – State industrial tribunals – contact details

<p>NSW Industrial Registrar  GPO Box 3670  Sydney NSW 2001  Ph: (02) 9258 0866</p>	<p>Industrial Registrar  South Australia Industrial Registry  Riverside Centre  North Terrace  Adelaide SA 5000  Ph: (08) 8207 0999</p>
<p>Queensland Industrial Registry  GPO Box 373  Brisbane QLD 4001  Ph: (07) 3227 8060</p>	<p>Western Australia Industrial Relations  Commission  Floor 16, National Mutual Centre  111 St George’s Terrace  Perth WA 6000  Ph (08) 9420 4521</p>
<p>Tasmanian Industrial Commission  GPO Box 1108L  Hobart TAS 7001  Ph (03) 6233 7821</p>	

## Attachment E – SWS Assessment service providers

AW Workwise Pty Ltd	Maxima Group Training
Achieve Foundation	MAX Employment
Strive Occupational Health Services	Mission Australia Employment Services
Acces Services Inc	Newtrain Northern Rivers Incorporated
Access Employment Services	Novita Children's Services
Advanced Personnel Management	On-Q Human Resources Limited
Assessments Australia	Ostara Australia
Bendigo Access Employment Inc	ORS Group
B J Eldred	Personnel Placements Consultancies Pty Ltd
Castle Personnel	Physikal Health Services Pty Ltd
Catalyst Injury Management	Ramona Rendalls
Community Workforce Solutions	Recovery Station
Counselling Appraisal Consultants	Red Cross Employment Services
CREATE (Geelong) Inc	Rehab Factor
Crosslinks	Rehab Management
Daryl Hutchison	Resolve Rehabilitation Services Pty Ltd
Disability Expertise Australia	Richard Van Wyk Consultancy
Distinctive Options	Rocky Bay
Evolution Research	South Burnett Jobmatch Association Inc
Helen Saville	STEPS Employment
Heta Incorporated	Strive Occupational Rehabilitation
Interact Injury Management	Tania Carter
Interwork	The Multiple Sclerosis Society of SA & NT
Job Centre Australia Limited	The Personnel Group
JobCo Employment Services	The Employment House
Jobmatch Employment Agency	Wesley Mission Brisbane
JJ & DS Anderson	VOICE – Psychologists & Allied Professionals
LEAD	Wave Assist
Lesley Pointon	Westgate
IMR (Injury Management & Rehabilitation)	Yooralla
Maccess	
Mai-Wei Limited	
Mark Thornton	

## Attachment F – SWS Wage Assessment Agreement

### Supported Wage System Wage Assessment Agreement

The undersigned parties agree to recommend a wage of .....% of the appropriate award or agreement rate for the relevant classification of work.

The name of the award or agreement which relates to the position is:

.....

The classification of the position within the award or agreement is:

.....

The review date of the wage rate is: / /

Enter details of all parties involved at the workplace in the Supported Wage System Assessment.

**Employer Name:** .....

Employer Contact: .....

Physical Address: .....

..... Postcode .....

Postal address (if different to physical address): .....

..... Postcode .....

Telephone: ( ) .....Fax ( ) .....

Signature of employer contact: .....

Date: / /

**Employee** Given name: ..... Family name: .....

Date of birth: / /

Postal Address: .....

.....Postcode: .....

Telephone: ( ) .....

Employee signature (or nominee): ..... Date: / /

Name of nominee, if applicable: .....

**Union Name:** .....

Name of union representative: .....

Postal address: .....

..... Postcode:.....

Telephone: ( ) ..... Fax ( ) .....

Signature: ..... Date: / /

Comments:

Information for the industrial registrar. To be complete by the employer.

A	X	B	X	C	=	D	E
A. Assessment productivity %		B. Minimum hourly award or agreement rate for the position		C. Hours employee will work per week		D. Employee's gross earnings per week	E. Actual agreed amount
	%	\$				\$	\$

When completed, this agreement may need to be sent by the employer to the relevant industrial authority. The addresses of the relevant industrial authorities are outlined in the SWS Handbook.

Name of industrial authority:.....

Address: .....

.....

Postcode: ..... Fax: .....

Date the agreement was sent to the above authority (if required): / /

Signature of employer: .....

A copy of this agreement has been provided to all signatories to the Wage Assessment Agreement, and the employee's DES provider if requested.

## Attachment G - Glossary

**Approved SWS Assessor** is a person who has been approved by DEEWR to conduct SWS assessments.

**Applicant** is a person who submits an application for the Supported Wage System – either an employment service provider or an employer.

**Award** is an instrument that prescribes the terms and conditions under which a particular category of employee is employed.

**Award Wage** is the minimum wage, fixed by an award, certified agreement or enterprise agreement, to be paid to workers for performing specified work under conditions of full productivity.

**Basic Performance Standard** is the minimum level of performance which would be expected from a competent worker performing the same duties as the worker with disability.

**Bias** is a tendency to arrive at a decision which has been influenced by views or beliefs held by the assessor and not based on fact.

**Centrelink** is an Australian Government agency that delivers a range of government services to the Australian community. These services are designed to assist people to become self sufficient and to support those in need. Centrelink is responsible for the delivery of all income support payments.

**DEEWR** is the Australian Government Department of Education, Employment and Workplace Relations and is responsible for the administration of the Supported Wage System assessments.

**Disability** has the same meaning as defined in the Disability Discrimination Act (Cth) 1992.

**Disability Support Pension** is an income support payment and may be payable in respect to a person if they have an illness, injury or disability and are:

- Aged 16 or over and under Age Pension age, or
- Assessed as not being able to work at or above the minimum wage, or be re-skilled for work of at least 15 hours per week within two years because of illness, injury or disability, or
- Permanently blind, or
- Participating in SWS

**Disability Discrimination Act (Cth) 1992** is Commonwealth legislation that makes it unlawful to discriminate against someone for the purpose of employment, accommodation, access etc, on the basis of their disability.

**Disability Employment Services Providers** are a national network of community and private organisations dedicated to placing people into employment.

**Fair Work Australia** is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to the safety net of minimum wages and employment conditions, enterprise bargaining, industrial action, dispute resolution, termination of employment and other workplace matters.

**Impairment Rating** measures how much a particular disability affects a person and their ability to work. The Social Security Act 1991 contains impairment tables that list a range of conditions, symptoms and impairments and give a rating for each, according to how severely they affect a person's capacity to work. To be eligible for the DSP, a person must have an impairment rating of at least 20 points from any of the tables.

**Industrial Agreement** is a legal document that sets out the employee's rights and conditions at work.

**Industrial Instrument** is an award (including a modern award), an enterprise agreement, a public sector industrial agreement, a former industrial agreement, a contract determination or a contract agreement.

**JobAccess** is an online and telephone advisory service that has been designed as a one-stop shop for all matters relating to employment of people with disability. It provides practical workplace solutions and advice for people with disability and their employers, co-workers and service providers.

**Job Analysis** is a systematic procedure for describing a job in terms of tasks performed and the knowledge, skills and abilities required to perform the tasks successfully.

**Job at Risk** is where the continued employment or job placement of a worker at full award wages is threatened, usually as a result of the effects of a physical, intellectual or psychiatric disability.

**Job Design** is the way in which a job is structured in relation to tasks, duties and the skills required to perform them.

**Job Match** is the degree of fit between a job and the nature of the worker's disability, their personal preferences and skills.

**Nominee** is a person nominated by the worker to assist in the employment process and to ensure the best possible outcomes are achieved for that person or, for the purposes of signing the forms, a person whom the worker nominates in accordance with relevant state/territory laws to sign documents on their behalf.

**Pre-Assessment Check** is an investigation and judgement about the appropriateness of the job placement, including ensuring the person has had adequate training and that all necessary reasonable adjustments to lessen the impact of the disability have been made. The checks are made by those involved in the placement process before a wage assessment proceeds.

**Pro Rata Award Wage** is the assessed percentage of the award wage. It is paid by the employer to the work on completion of the SWS wage assessment.

**Reasonable Adjustment** is change made to the workplace that lessens the impact of a worker's disability. In relation to the Disability Discrimination Act, 'reasonable' means adjustments that are not ineffective and do not impose unjustifiable hardship on the employer.

**Review Date** is the date when an employee who is employed under Supported Wage System is due to have a SWS assessment to review their productivity.

**Superannuation Guarantee** is a specially established employer-supported superannuation contribution.

**Supported Wage Assessment Tool** is an online tool used by SWS assessors to record details of their wage assessments.

**Supported Wage System Schedule** is a schedule included in most modern awards that is one method of providing the legal basis for payment of a pro rata wage. The SWS Schedule sets out the terms and conditions for the payments of a supported wage to a worker who is unable to work at the award wage because of the effects of a disability.

**Tasks** are the steps required to achieve specific outcomes or results in a job. Often a number of tasks will combine to form a 'duty'. Tasks should be considered as separate duties when, because of a significant time weighing and productivity difference between them, a distortion of the wage would result if the tasks were combined into one duty.

**Trial Period** is a provision that has been made in the SWS Schedule for the worker to undertake a trial period before the wage assessment. The Trial Period usually includes specialised on-the-job-training in addition to any other standard training provided by the employer. The Trial Period can be up to 12 weeks (although by agreement, it may be extended to 16 weeks).

**Unjustifiable Hardship** relates to a provision in the Disability Discrimination Act that means unjustifiable hardship need not be placed on an employer when making adjustments to the workplace to accommodate a worker with disability.

**Wage Assessment Agreement** is an agreement which is entered into where the wage assessment results in a supported wage. All parties involved in the SWS assessment are to agree on the wage amount and date for review prior to signing the Wage Assessment Agreement.

**Wage Assessment** is a process for determining an appropriate productivity-based wage for people with disability whose work productivity is reduced as a result of disability. Assessment is based on productivity in a specific job. Assessments are not transferrable between jobs.

**Work Order** is a contract for SWS providers to conduct a supported wage assessment.

**Workers Compensation** is provided by employers for all employees. This also covers the SWS Trial Period.

**Workplace Assessment** is where the SWS assessor visits the workplace and conducts pre-assessment checks and an assessment of work productivity.