

Supported Employment Services Award

Outline of Submissions

4 yearly Review of Modern Awards

Filed on behalf of

Civic Disability Services

The logo for CIVIC, featuring the word "CIVIC" in a bold, blue, sans-serif font. The letter "I" is stylized with a heart shape inside it.

Filed for Civic Disability Services by:

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OUTLINE OF SUBMISSIONS

A. Introduction

1. We refer to the Directions made by Vice President Hatcher on 10 July 2017 (**Directions**) regarding contested substantive matters in the 4 yearly review of the Supported Employment Services Award (**SES Award**).
2. The Directions required any party opposing a variation proposal to file in the Fair Work Commission (**Commission**) witness statements, expert's reports and other evidentiary material upon which they intend to rely, together with an outline of submissions, on or before 13 November 2017. In correspondence dated 6 November 2017 this timeframe was extended to 21 November 2017.
3. These submissions are filed pursuant to the Directions, in opposition to the variation proposal (**Variation Proposal**) sought by the AED Legal Centre (**AED**) in its submissions dated 3 October 2017.
4. By way of summary, Civic Disability Services (**Civic**) opposes the Variation Proposal and submits that the Fair Work Commission should not make the determination sought by AED because it cannot be satisfied, on the basis of the evidence available to it, that the current SES Award is inconsistent with the modern awards objective¹ or the minimum wages objective².
5. Civic relies on the witness statement of Nicole Fitze (General Manager Human Resources) dated 21 November 2017 as well as these Submissions.

B. The Variation Proposal

6. The AED has proposed that the SES Award be varied so that it only provides one method of determining a rate of pay for an employee with a disability below the minimum wages prescribed under clause 14.2 of the SES Award (**Variation Proposal**). The AED has further proposed that the one method be the Supported Wage System (**SWS**).
7. Clause 14.4 of the SES Award presently sets out a list of methods for determining the rate of pay of an employee with a disability below the minimum wages prescribed under clause 14.2 of the SES Award. One of those methods is the Civic Industries Supported Employees Wage Assessment Tool (**CISEWA Tool**).
8. The Variation Proposal seeks to remove all wage assessment tools from the SES Award except for the SWS, including the CISEWA Tool.

C. The Statutory Framework

9. Although it is not clearly apparent, it appears the AED is seeking the Variation Proposal on the basis of its claim that the current SES Award clause 14.4 is inconsistent with the modern awards objective, the minimum wages objective and is discriminatory.³
10. The Variation Proposal appears to be sought under section 157 of the *Fair Work Act 2009* (Cth) (**Act**) which provides that the Commission may:
 - a. make a determination varying a modern award, other than to vary minimum wages, if it is satisfied that making the determination is necessary to achieve the modern awards objectives;⁴ and

¹ *Fair Work Act 2009* (Cth), section 134.

² *Fair Work Act 2009* (Cth), section 284.

³ AED Legal Centre, Outline of Submissions, filed 3 October 2017.

- b. make a determination varying a modern award minimum wages if it satisfies that the variation is justified by work value reasons and where it is necessary to achieve the modern awards objective.⁵

11. In determining whether to exercise its power to vary a modern award, the Commission must be satisfied that the relevant award includes terms only to the extent necessary to achieve the modern awards objective.

12. The modern award objective required the Commission to ensure that modern awards, together with the National Employment Standards, provided a fair and relevant minimum safety net of terms and conditions taking into account the following factors:

- a. relative living standards and the needs of the low paid; and
 - b. the need to encourage collective bargaining; and
 - c. the need to promote social inclusion through increased workforce participation; and
 - d. the need to promote flexible modern work practices and the efficient and productive performance of work; and
- d the need to provide additional remuneration for:
- i. employees working overtime; or
 - ii. employees working unsocial, irregular or unpredictable hours; or
 - iii. employees working on weekends or public holidays; or
 - iv. employees working shifts; and
- e. the principle of equal remuneration for work of equal or comparable value; and
 - f. the likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden; and
 - g. the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards; and
 - h. the likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.

Approach adopted by the Commission in determining when to exercise modern award powers

13. Below we outline a number of principles adopted by the Commission in determining whether to exercise its powers to vary a modern award to achieve the modern awards objective.

14. The modern awards objective is broadly expressed.⁶

15. The obligation to take into account the considerations outlined above at paragraph 12 means that each of these matters, insofar as they are relevant, must be treated as a matter of significance in the decision making process.⁷ No particular primacy is attached to any of the above considerations and not all of the matters identified will necessarily be relevant in the context of a particular proposal to vary a modern award.⁸

16. Awards made as a result of the 2009-2010 award modernisation process conducted by the former Australian Industrial Relations Commission (AIRC) were deemed to be modern awards for the

⁴ *Fair Work Act 2009* (Cth), section 157(1).

⁵ *Fair Work Act 2009* (Cth), section 157(2).

⁶ See *Shop, Distributive and Allied Employees Association v National Retail Association* (No 2) (2012) 205 FCR 227 at [35] per Tracey J.

⁷ *Friends of Hinchinbrook Society Inc v Minister for Environment* (No 3) (1997) 77 FCR 153; *Australian Competition and Consumer Commission v Leelee Pty Ltd* [1999] FCA 1121; *Edwards v Giudice* [1999] FCA 1836; *National Retail Association v Fair Work Commission* [2014] FCAFC 118.

⁸ *4 yearly review of modern awards – Penalty Rates* [2017] FWCFB 1001.

purposes of the Act.⁹ Implicit in this is a legislative acceptance that at the time they were made the modern awards were consistent with the modern awards objective.¹⁰

17. We also refer to the minimum wages objective which requires that the Commission must establish and maintain a safety net of fair minimum wages, taking into account a number of factors outlined in the modern awards objective.
18. Further, the Act states that the Commission may only make a determination varying modern award minimum wages during a 4 yearly review where it is satisfied the variation is justified on **work value reasons** including those related to:
 - a. the nature of the work;
 - b. the level of skill or responsibility involved in doing the work;
 - c. the conditions under which the work is done.

D. Background

Civic

19. Civic is a not-for-profit service operating from the Sutherland Shire.
20. Civic provides services to people with intellectual disabilities and/or mental health conditions.
21. Civic provides services to more than 500 people with intellectual disabilities and/or mental health conditions including but not limited to drop-in support, residential care and child / youth programs.
22. Civic also operates an Australian Disability Enterprise (**ADE**) division providing paid employment to people with intellectual disabilities and/or mental health conditions, who are in receipt of a disability and support pension and who require additional support in the workplace (**Supported Employees**).
23. The ADE division of Civic currently employs 129 Supported Employees in a variety of light manufacturing, recycling, packaging, administrative, gardening and services tasks.
24. Civic is engaged by third party companies (**Business Partners**) who require these tasks to be performed and who are interested in diversifying their workforce.
25. Civic also provides Supported Employees with access to services not usually provided by employers of individuals with disabilities in the general labour market including, for example:
 - a. extensive and regular career planning and goal setting sessions;
 - b. access to our on-site clinical team (including our clinical psychologist);
 - c. access to our transition from school to work information and assistance;
 - d. access to our public transport training and support; and
 - e. access to our on-site gym and gym classes.

The SES Award and the CISEWA Tool

26. Prior to award modernisation in 2010 Civic's Supported Employees were covered by the Civic Industries (Supported Employees) Workplace Agreement 2003 which came into force on 13 January 2004. Schedule D of the 2003 Certified Agreement set out the wage assessment calculation under the CISEWA Tool.

⁹ *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*, Schedule 5 Item 4.

¹⁰ *4 Yearly Review of Modern Awards: Preliminary Jurisdictional Issues* [2014] FWCFB 1788 at [24].

27. In 2002 the CISEWA Tool was developed. The CISEWA Tool was a hybrid of the Greenacres Wage Assessment Tool and the Skillsmaster Wage Assessment Tool.
28. Since January 2004 Civic has used the CISEWA Tool to assess and calculate wages for its Supported Employees. Civic does not use other tools to assess and calculate wages for Supported Employees.
29. In 2009, during the modernisation of the awards the Full Bench of the AIRC incorporated a number of wage assessment tools into the SES Award, including the CISEWA Tool, and stated:

We have decided to provide that those organisations previously permitted to apply an otherwise restricted Wage Assessment Tool (WAT), on or before 27 June 2005, might continue to do so. To do otherwise is likely to create instability for those services involved, although it is not our view that in the future service specific WATs should be taken as appropriate to another service without it being evident that there are circumstances justifying such an approach.¹¹

E. Modern awards objectives

30. The AED bears the onus to demonstrate that its claim is justified.
31. In our submission, the AED has not discharged its onus.
32. As the SES Award incorporated the wage assessment tools during award modernisation there is an implicit acceptance that they meet the modern award objectives.
33. The AED Submissions appears to rely wholly on arguments concerning one of the modern awards objective considerations to justify its claim, being the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards (section 134(1)(g) of the Act).
34. We have addressed this consideration and a number of others below.
- The need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards - s 134(1)(g)***
35. Consistent with the views of the Full Bench of the AIRC in 2009, the removal of the wage assessment tools listed at clause 14.4 will result in instability.
36. Civic has used the CISEWA Tool since 2003. Civic staff understand the CISEWA Tool and are not trained to use the SWS.
37. Use of the CISEWA Tool is regularly reviewed and audited.¹²
38. Civic currently engages with Business Partners on the basis of the CISEWA Tool.¹³
39. Civic aims to perform annual or biannual assessments of Supported Employees under the CISEWA Tool.¹⁴

¹¹ *Award modernisation - Stage 4* [2009] AIRCFB 945.

¹² Statement of Nicole Fitze dated 21 November 2017, paragraph 65.

¹³ Statement of Nicole Fitze dated 21 November 2017, paragraphs 31-32.

¹⁴ Statement of Nicole Fitze dated 21 November 2017, paragraph 67.

40. We further refer to Attachment A of the Statement of Kairstien Wilson (Principal Lawyer, AED)¹⁵ filed by AED which included the following extract:

SAI Global Assurance Services made the following comments in their audit report, dated May 2004:

"Civic industries offer employees work conditions, opportunities and benefits that reflect that of an employee undertaking work in a similar industry and in accordance with the Civic Industries (Supported Employees) Workplace Agreement 2003 ... After reviewing the wage system and the wage assessment process, the process for determining pro-rata wage rates appears to be **transparent and clear**. The wage outcome can be validated by the objective criteria. There is opportunity for advancement and the level is not downgraded due to a drop in performance or other reason."

41. The CISEWA Tool is easy to understand for Civic employees.

42. Any requirement to use the SWS will cause significant instability for Civic.

The likely impact of any exercise of modern awards powers on business, including on... employment costs.. - section 134(1)(f)

43. Civic's ADE division is not a profit making enterprise.

44. Annually, Civic's ADE division generally makes losses or breaks even.¹⁶

45. Removal of the CISEWA Tool would make it difficult for Civic to engage with Business Partners to employ Supported Employees as individuals requiring high levels of support and assistance.¹⁷

46. Removal of the CISEWA Tool and the imposition of a requirement to use the SWS will have a significant cost impact on Civic.¹⁸

47. This will force Civic to consider downsizing or closure of its ADE division and put at risk the jobs of Supported Employees.

Relative living standards and the needs of the low paid - section 134(1)(a) and - The need to promote social inclusion through increased workforce participation - section 134(1)(c)

48. Following the likely cost impacts outlined above any removal of the CISEWA Tool and requirement to use the SWS will put at risk up to 130 jobs for Supported Employees.

49. Removal of the CISEWA Tool would make it difficult for Civic to engage with Business Partners to employ Supported Employees as individuals requiring high levels of support and assistance. This would put at risk Civic's ability to engage Supported Employees with higher support needs, and behavioural requirements which create additional workplace complexities.¹⁹

50. Clause 14.4 of the SES Award has allowed Civic to take on work and provide real employment to disabled employees who would typically not be able to find work in open employment or alternative employment options because of the complexity and risks of their disability and/or mental condition.²⁰

¹⁵ Statement of Kairstien Wilson dated 3 October 2017, attachment A.

¹⁶ Statement of Nicole Fitze dated 21 November 2017, paragraph 97.

¹⁷ Statement of Nicole Fitze dated 21 November 2017, paragraph 95.

¹⁸ Statement of Nicole Fitze dated 21 November 2017, paragraph 97.

¹⁹ Statement of Nicole Fitze dated 21 November 2017, paragraph 95.

²⁰ Statement of Nicole Fitze dated 21 November 2017, paragraph 93.

51. Clause 14.4 of the SES Award provides employees with a disability the opportunity to be employed, contribute to the economy and view themselves as the same as a person without a disability.²¹
52. The CISEWA Tool has allowed Civic to offer Supported Employees opportunities to receive life impacting additional support and assistance they would not otherwise receive in open or alternative employment. Removing the CISEWA Tool will mean that Civic is unable to provide employees with appropriate support and assistance.²²
53. If Civic is required to use the SWS, Civic will have to consider only engaging Supported Employees to perform work on tasks in which they are most productive and remove those Supported Employees from other tasks that might be more meaningful to the employee and provide greater learning opportunities and job satisfaction. This is not consistent with Civic's purpose, which is to provide both meaningful and productive work to Supported Employees.²³
54. Any loss of opportunities for Supported Employees in our ADE division will also have an impact on their carers and local support and respite services who will be under resourced to cater to the needs of ADE employees.

F. Work value considerations

55. In our submission, the Variation Proposal should not be accepted. The AED has not satisfied the requirement that any determination of a modern award during a 4 yearly review to vary minimum wages need satisfy work value considerations.
56. Use of the CISEWA Tool is justified taking into account the nature of the work, the level of skill or responsibility involved in doing the work and the conditions under which the work is done.
57. The SWS is a system based on attaining a timed productive output compared to that of a person without a disability. It is a less qualitative assessment than the method under the CISEWA Tool.
58. This is not necessarily an effective measurement for employees with an intellectual or physical disability as tasks in ADE's are typically broken down determined by an employee's ability to perform that function. Tasks become sub-tasks further broken down to parts of sub-tasks that an employee can actively achieve. Employees tend to work on sub-tasks of lesser value.
59. The SWS does not make determinations on the training and support level required to keep employees on task nor does it accurately account for behaviours of employees during the course of the working day. As a pure productivity assessment on singular functions, the SWS is an unrealistic and inaccurate assessment of a real work circumstance for people with disabilities.²⁴
60. The CISEWA Tool takes into account for each employee the task that they perform, the training and support needed and the behaviour support required in addition to the productive output achieved to determine wage rates. It is a more accurate and realistic measure than productivity alone.
61. The CISEWA Tool is a more accurate, reliable and valid wage assessment tool.

H. The Nojin Case²⁵

62. AED relies on the Nojin Case in making its Variation Proposal.

²¹ Statement of Nicole Fitze dated 21 November 2017, paragraph 94.

²² Statement of Nicole Fitze dated 21 November 2017, paragraph 96.

²³ Statement of Nicole Fitze dated 21 November 2017, paragraph 98.

²⁴ Statement of Nicole Fitze dated 21 November 2017, paragraph 80.

²⁵ *Nojin v Commonwealth of Australia* [2011] FCA 1066.

63. The Nojin Case was a decision concerning the use of the Business Services Wage Assessment Tool (**BSWAT**).

64. The CISEWA Tool is not the BSWAT.

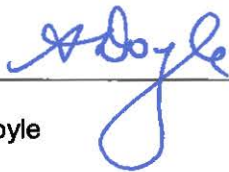
65. No evidence has been produced by AED of any circumstances where the CISEWA Tool has been used in a manner which is discriminatory or unfair.

66. The Nojin case ought to be constrained to its own factual circumstances.

I. Summary

67. The Fair Work Commission should not make the determination sought by AED because it the Commission should not be satisfied, on the basis of the evidence available to it, that the current SES Award is inconsistent with the modern awards objective or the minimum wages objective.

Signed by:



Annie Doyle

CEO, Civic Disability Services

On:

21 November 2017

IN THE FAIR WORK COMMISSION

4 Yearly Review of Modern Awards

Supported Employment Services Award

FWC Matter No.: AM2014/286

WITNESS STATEMENT OF NICOLE FITZE

I, Ms Nicole Fitze, state as follows:

1. My name is Nicole Fitze and I am employed as the General Manager of Human Resources of Civic Disability Services (ACN 000 744 141) (Civic).
2. I am aware that the AED Legal Centre (AED) is seeking an amendment to clause 14.4 of the Supported Employment Services Award (SES Award).
3. In my witness statement I make reference to employees engaged by Civic. I have personally engaged with each of these employees during my employment with Civic. The employees I refer to are vulnerable individuals and some of the information I have referred to is confidential and sensitive in nature. For this reason I have anonymised the identities of these employees.
4. In my witness statement I refer to various documents and make references to page numbers. Those documents are contained in a bundle of documents exhibited to this witness statement and marked NF-1 (Exhibit). The page numbers to which I refer are references to the page numbers within the Exhibit.
5. I have read the submissions of the AED dated 3 October 2017 and the Witness Statement of Paul Cain (undated). In this statement I have provided my response to some, but not all, of the statements made in the Witness Statement of Paul Cain with which I disagree.

A. CIVIC

6. Civic was originally founded in the 1950's.
7. Civic is a not-for-profit service operating from the Sutherland Shire.
8. Civic provides services to people with intellectual disabilities and/or mental health conditions.
9. Civic's mission is to provide the right support at the right moment to enhance the quality of life for people who have intellectual disabilities and/or mental health conditions.

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10. Civic provides whole-of-life services in a number of New South Wales locations using people-centred active support that allows vulnerable individuals to move towards their full potential, set and achieve goals and participate to a greater extent in the community at large.
11. Civic provides services to more than 500 people with intellectual disabilities and/or mental health conditions including but not limited to drop-in support, residential care and child/youth programs.
12. Civic also operates an Australian Disability Enterprise (**ADE**) division providing paid employment to people with intellectual disabilities and/or mental health conditions, who are in receipt of a disability and support pension and who require additional support in the workplace (**Supported Employees**).
13. Prior to 2009 Civic operated two separate entities out of two separate locations: Civic Residential Services and Civic Industries. The two businesses combined in 2009 and now operate at the same location at 101-103 Cawarra Road, Caringbah NSW. Both are now both operating under the title Civic Disability Services.

B. EMPLOYMENT HISTORY AND EXPERIENCE IN THE DISABILITY SECTOR

14. I have been employed by Civic since 13 July 2000.
15. I was employed by Civic Lifestyles until the two businesses combined in 2009.
16. I have been employed in my current role or as General Manager Human Resources for approximately 5 years.
17. Since joining Civic I have worked in a variety of departments including Administration, Operations, Finance and Human Resources.
18. My father was the General Manager of Civic Lifestyles for approximately 20 years prior to 2009.
19. I have had a personal association with Civic and individuals with disabilities and/or mental health conditions for over 30 years.
20. My role as the General Manager of Human Resources is to ensure my team provides support services to the business with regards to recruitment and retention, learning and development, workforce management, and employment relations advice, which are just a few of the activities of the HR team.
21. The head office administration team which provides support to the head office and frontline customer services report to me. I have 13 direct reports.
22. As part of my induction following the restructure in 2009-2010 I received informal training on the history and use of the Civic Industries Supported Employees Wage Assessment Tool (**CISEWA Tool**).
23. As part of my current role I am required to use and review Civic's use of the CISEWA Tool.

24. As part of my role I also frequently represent Civic at external events concerning the engagement of people with disabilities and/or mental health conditions in different workforces.

C. SUPPORTED EMPLOYEES AT CIVIC

25. The purpose of Civic's ADE service is to provide individuals with disabilities and/or mental health conditions the opportunity to attain goals, skills and independence by performing valuable and meaningful work.

26. Civic receives government funding for the ADE division. Government funding is allocated on the basis of the complexity of the Supported Employee's intellectual disability and/or mental health condition.

27. The funding received by Civic is set at a capacity placement number for the ADE. Civic only has 89 placements for funding. This means Civic is restricted to claiming for funding for employment in the ADE division.

28. The funding provided by the government is insufficient to cover the costs associated with supporting and assisting the Supported Employees.

29. The ADE division of Civic currently employs 129 Supported Employees in a variety of light manufacturing, recycling, packaging, administrative, gardening and services tasks.

30. Civic is engaged by third party companies (**Business Partners**) who require these tasks to be performed and who are interested in diversifying their workforce.

31. The Operations Manager and the Chief Financial Officer will engage with the Business Partner and provide a quote for the work required which will take into account the risks associated with the work, the number of Supported Employees with the requisite skills to perform the work and the average wage cost of engaging a Supported Employee. I am aware these factors are taken into account as I have been involved in quoting the cost of work of Supported Employees in the past.

32. A majority of Civic's Supported Employees work on our on-site workshop (**Workshop**).

33. Civic also often recruits for Supported Employees for a Department of Defence contract at Holsworthy Army Base. These paid administrative positions offer opportunities to those living in the Liverpool, Campbelltown and Bankstown areas.

34. Civic also provides supported employment at Nourish Kitchen + Café located in North Nowra.

35. Our Supported Employees are provided with additional support by a team of 5 paid employees without disabilities (**Employees Without a Disability**).

36. Employees Without a Disability run machinery in the Workshop outside of Supported Employee capability, supervise behaviours of Supported Employees and assist Supported Employees.

37. Civic also has lawn mowing services which run teams of four Supported Employees to one Employee Without a Disability.

38. On a typical day the Workshop will have about 80 Supported Employees at work supported by approximately 12 Employees without a Disability. The numbers of volunteers each day varies.

D. COMPARING CIVIC WITH OTHER EMPLOYERS OF SUPPORTED EMPLOYEES

39. I understand the Supported Wage System (**SWS**) has been incorporated into other modern awards as the only wage assessment tool to assess the wages of employees with disabilities in open employment in the general labour market.

40. The way Civic engages Supported Employment is different from employers in the general labour market in a number of ways.

41. I understand from my experience in the disability sector and from discussions with other employers, that Civic engages Supported Employees who typically have much higher support and behavioural requirements. Civic's Supported Employees will often have disabilities and/or mental health conditions that make their engagement in open employment impracticable.

42. Civic's Supported Employees will also often have limited skills. For example, a large number of Civic's Supporters Employees do not know how to read or write.

43. Civic also provides Supported Employees with access to services not usually provided by employers of individuals with disabilities in the general labour market including, for example:

- (a) extensive and regular career planning and goal setting sessions;
- (b) access to our on-site clinical team (including our clinical psychologist);
- (c) access to our transition from school to work information and assistance;
- (d) access to our public transport training and support; and
- (e) access to our on-site gym and gym classes.

44. As an illustrative example of the support offered to employees by Civic I refer to Employee A who is a Supported Employee with limited family support. Employee A has previously attempted to take his own life. Civic provided Employee A with support including access to its psychological and implementation of a transitional plan to re-engage the employee in the workplace. From my experience in the disability sector I consider general labour market employers would find it difficult to manage such an employee and provide him with the assistance and support required.

45. Another example of the support offered to employees by Civic I refer also to Employee B who is a Supported Employee who makes up soap boxes by hand. Employee B can make 1.5 soap boxes to every box that an employee without a disability could make but Employee B at times will make up boxes for one hour and then fall asleep for 20-30 minutes or pace up and down the workshop in a heightened state. Employee B is subject to a behavioural management plan which requires Civic to undertake particular management steps in circumstances where his behaviour becomes heightened.

46. The behaviour of Employee A and Employee B is not behaviour that would ordinarily be tolerated in open employment but in an ADE this is a common and regular occurrence.

Civic engages in behavioural support plans to assist employees in these circumstances. The CISEWA Tool takes these behavioural matters into account.

47. Civic's Supported Employees also have access to a social network of other individuals with disabilities and/or mental health conditions which they would not ordinarily have access to in the general labour market.

E. AWARD COVERAGE AND WAGE DETERMINATION

48. Our employees in the ADE division are engaged under the Supported Employment Services Award 2010 (**Award**) and paid an hourly wage determined by the SES Award and the CISEWA Tool.

F. HISTORY AND DEVELOPMENT OF THE CISEWA TOOL

49. The history and use of the CISEWA Tool was outlined in the Jenny Pearson & Associates Pty Ltd Analysis of Wage Assessment Tools used by Business Services (**Pearson Report**). A copy of an extract of the Pearson Report outlining the history and use of the CISEWA Tool appears at **pages 1 to 9** of the Exhibit.
50. Prior to award modernisation in 2010 Civic's Supported Employees were covered by the Civic Industries (Supported Employees) Workplace Agreement 2003 (**2003 Certified Agreement**) which came into force on 13 January 2004. Schedule D of the 2003 Certified Agreement set out the wage assessment calculation under the CISEWA Tool. A copy of the 2003 Certified Agreement appears at **pages 10 to 71** of the Exhibit.
51. From my informal training on the history of the CISEWA Tool and on review of the records available to me it is my understanding that prior to the development of CISEWA Tool Civic Supported Employees were engaged under the Australian Liquor, Hospitality and Miscellaneous Workers Union Supported Employment (Business Enterprises) Award and their wages were assessed under the Greenacres Wage Assessment Tool.
52. I understand the Greenacres Wage Assessment Tool used components of work associated competencies and task skills to assist the determination of wage rate for our employees with disability. I have never used the Greenacres Wage Assessment Tool.
53. At or around the time I received informal training on the history of the CISEWA Tool Civic was engaging Mr Phil Amos as a consultant.
54. I understand Mr Amos assessed the Greenacres Wage Assessment Tool in 2002 developed the CISEWA Tool in compliance with disability services standard 9 and key performance indicators under section 5A of the *Disability Services Act 1986* (Cth).
55. The CISEWA Tool was a hybrid of the Greenacres Wage Assessment Tool and the Skillmaster Wage Assessment Tool developed by Mr Amos.
56. As above, the CISEWA Tool was incorporated into the 2003 Certified Agreement.
57. Since January 2004 Civic has used the CISEWA Tool to assess and calculate wages for it's Supported Employees.
58. I was not involved in the modernisation of the SES Awards but I understand the CISEWA Tool was incorporated into clause 14.4(b)(iii) of the SES Award.

59. On 29 October 2013 the 2003 Certified Agreement was terminated.

G. USING THE CISEWA TOOL

60. The CISEWA Tool assesses six factors to determine the minimum wage for a Supported Employee working at Civic. These factors include:

- (a) classification of the Supported Employee under the appropriate grade under the SES Award and identification of the minimum rate of pay under the SES Award for the relevant classification;
- (b) assessment of the Supported Employee's task skills;
- (c) assessment of the Supported Employee's work based competencies;
- (d) assessment of the Supported Employee's training need and support requirements;
- (e) assessment of the Supported Employee's behaviour management support requirements; and
- (f) assessment of employees output/productivity measures.

A copy of Civic's Employment Conditions (Industries) Procedures detailing the internal use of the CISEWA Tool appears at pages 72 to 87 of the Exhibit.

61. The Supported Employee is allocated a score for each of the above factors.

62. The CISEWA Tool is used by our Employees Without a Disability, myself and other members of the Human Resources team. All employees who are required to use the CISEWA Tool receive training on how to use it.

63. I review and approve all wage assessments under the CISEWA Tool.

64. Civic is also subject to auditing by the Commonwealth Government in line with our funding requirements. Past audits, conducted by SAI Global on the instruction by the Commonwealth Government, have assessed whether there is sufficient evidence to justify wage calculations under the CISEWA Tool.

65. I have been involved in the evolution and improvement of the CISEWA Tool following the above audits.

66. Civic does not use any other wage assessment tool for Supported Employees in the ADE division other than the CISEWA Tool.

67. Civic aims to perform annual or biannual assessments of Supported Employees under the CISEWA Tool.

68. Civic has benchmarked a safeguard minimum rate paid under the CISEWA Tool which is 13.25% of our formula linked with the SES Award level 2.

H. DIFFERENCES BETWEEN THE CISEWA TOOL AND THE SWS

69. During my employment I have had exposure to and been involved in the use of the Supported Wage System (**SWS**) and the Skillsmaster Wage Assessment Tool.
70. My exposure to the SWS included:
- (a) examining wage rates following assessment by approved assessors;
 - (b) observing the assessment of productivity by approved assessors; and
 - (c) observing the impact of the SWS on employees with a disability and employees without a disability.
71. My understanding of the SWS is that it claims to determine a fair wage for Supported Employees through an assessment of productivity only.
72. Whilst productivity is one of the factors considered by the CISEWA Tool the CISEWA Tool also considers the employee's behavioural, support needs or workplace environment impacts.

I. THE SWS IS NOT AN APPROPRIATE TOOL FOR CIVIC

73. I consider the wage determinations under the SWS are less fair for Supported Employees and provide inconsistent results.
74. My experience with the SWS is that it is a productivity assessment performed and does not consider the impact of support requirements or the work environment.
75. For example, the SWS will assess an employee's ability to photocopy a document in isolation from the live workplace environment. If that employee has significant behavioural or intellectual disabilities, as many Civic Supported Employees do, their productivity will be significantly impacted by distractions and stimuli in the live work environment. In these circumstances the SWS has assessed the individual's capability in a way which is not properly reflective of their real-life productivity and which places unfair expectations on the Supported Employee.
76. I have set out an example of an SWS assessment I witnessed during my employment with Civic below.
77. In or around 2007 I recall the approved SWS assessment of an employee with a disability (**Employee C**) engaged by our ADE with the administration team which included reception tasks.
78. The SWS assessment I viewed for Employee C was conducted in a private meeting room away from the general work environment, where the assessed tasks would normally be performed.
79. The approved SWS assessor assessed Employee C's productivity performing mail out tasks, computer work and photocopying. These tasks were compared against a receptionist without a disability.


80. The full duties of a receptionist are not as simple as the tasks that were assessed in the SWS assessment which is likely to create an inaccurate measure of actual performance and efficiency. For example, performing a mail out is a task that is performed in conjunction with other receptionist tasks such as answering the phone, greeting and exiting guests, organising meeting rooms, etc.
81. On the basis of the tasks assessed Employee C was compared to an employee without a disability. The employee without a disability was able to multi task the mail out function, still answer phones, redirect the phone call, receive and direct guests, allocate stationery etc. whereas our disabled employee was not.
82. Another example of behaviour that is not accounted for in the SWS that is common at Civic is where a Supported Employee walks away from their task, ceases a task activity or by their actions disturbs another employee and in turn the productivity of themselves and that of other employee.
83. Another example of behaviour not accounted for in the SWS is the behaviour of Employee B in paragraph 45 of this Statement.
84. A pure productivity assessment task on a singular function is an unrealistic and inaccurate assessment of a real work circumstance that requires multi-tasking, knowledge of compliance procedures, adherence to safety requirements, policies, etc.
85. The CISEWA Tool is a preferable and more reliable wage assessment tool for Civic's Supported Employees.
86. The CISEWA Tool is a realistic wage assessment tool that takes into account employee factors such as the Supported Employee requiring additional support and behavioural matters such as absenteeism without valid explanation, lateness and is conducted within the live work environment.

J. THE CISEWA TOOL IS APPROPRIATE FOR CIVIC

87. I consider the CISEWA Tool to be a fair method of assessing wages.
88. CISEWA provides the following benefits:
 - (a) it makes allowance for the wide variety of tasks and subtasks that can be performed by our ADE employees and rewards them at the highest wage level where they are assessed as competent;
 - (b) it makes allowance for ADE employees to be rewarded in assessment for associated work competencies such as working independently, working consistently, exhibiting flexibility in tasking, checking their own quality, maintaining their workstation, WHS application and demonstrating team work;
 - (c) it makes assessment of training and support needed by individual employees, and identifies those needs; and
 - (d) it makes assessment of behaviours exhibited by our employees and accounts for those behaviours that impact their performance and that may not be picked up during SWS assessment.
89. I consider the CISEWA Tool to be a valid and reliable wage assessment tool because:

- (a) it has been independently assessed by SAI Global as follows:
- the process for determining pro-rata wage rates appears to be transparent and clear. The wage outcome can be validated by the objective criteria. There is opportunity for advancement and the level is not downgraded due to a drop in performance or other reason (this extract appears at page 7 of the Exhibit);
- (b) the CISEWA Tool has been accepted by the Fair Work Commission as a suitable wage assessment tool since 2004; and
- (c) it provides consistent results which are fair taking into account all of the circumstances.
90. The CISEWA Tool provides a better and fairer comparison between a worker with a disability and a worker without a disability.
91. The CISEWA Tool classification and job tasks relate directly to the grade of task that the Supported Employee is engaged in and uses the associated minimum hourly rate in it's calculation.
- K. WHY THE AED PROPOSAL TO VARY THE AWARD SHOULD NOT SUCCEED**
92. I consider that it would not be in the best interests of Civic's Supported Employees for Clause 14.4 of the SES Award to be varied in the way sought by the AED.
93. Clause 14.4 of the SES Award has allowed Civic and other ADE's to take on work and provide real employment to disabled employees who would typically not be able to find work in open employment or alternative employment options because of the complexity and risks of their disability and/or mental health condition.
94. Clause 14.4 of the SES Award provides employees with a disability the opportunity to be employed, contribute to the economy and view themselves as the same as a person without a disability.
95. If the CISEWA Tool is removed from the SES Award I consider it will be difficult for Civic to engage with Business Partners to employ our Supported Employees, as individuals requiring high levels of support and assistance. This would put at risk Civic's ability to engage Supported Employees with higher support, and behavioural requirement which create additional workplace complexities.
96. The CISEWA Tool has allowed Civic to offer Supported Employees opportunities to receive high level additional support and assistance they would not otherwise receive in open or alternative employment. Removing the CISEWA Tool will likely mean that Civic is unable to provide employees with appropriate support and assistance.
97. Civic's ADE division is not a profit making enterprise. It ordinarily makes a small loss or breaks even. Forcing higher costs on our ADE by requiring it to use the SWS will result in substantial downsizing or closure. This would put at risks the jobs of Civic's Supported Employees.

98. If Civic is required to use the SWS, Civic will have to consider only engaging Supported Employees to perform work on tasks in which they are most productive and remove those Supported Employees from other tasks that might be more meaningful to the employee and provide greater learning opportunities and job satisfaction. This is not consistent with Civic's purpose, which is to provide both meaningful and productive work to Supported Employees.

Signed by: 
Nicole Fitze

On: 21/11/2017.

3. Civic Industries Supported Employees Wage Assessment Tool

3.1 Owner/Developer of the Tool

Civic Industries

3.2 Type of Tool

Hybrid

3.3 Number of Business Services Using This Tool

One (Civic Industries)

3.4 History and Development of the Tool

The process of developing the Civic Industries Wage Assessment tool began over 6 years ago. Civic Industries first used the Greenacres wage assessment model with its components of work associated competencies and task skills. Six staff completed training in the use of the Greenacres wage assessment tool.

Civic Industries then simplified the Greenacres tool. Further work associated with the introduction of a Certified Workplace Agreement and compliance with Disability Service Standard 9 resulted in other amendments. Civic Industries had significant input from Phil Amos, developer of the Skillsmaster system, and other aspects were introduced to the wage determination process.

Civic Industries describes their current wage assessment tool as a hybrid of the Greenacres tool and Skillsmaster system. It was thought that the Skillsmaster system would be too difficult to implement at Civic Industries because of the enormous range of work tasks that were done, however, recent amendments to the Skillsmaster system may make the system more appropriate and the system will be looked at again in February 2005.

Civic Industries were able to compare the wage outcomes achieved using their new tool with the wage outcomes from the Greenacres tool. A 'classic time study' was done and a 'sensitivity test' was put over the system.

An overemphasis on productivity present in some other wage assessment systems was avoided. It was suggested that many of the jobs done at Civic Industries would not be done in the real world of open employment and that a productivity-based tool could be unrealistic and impractical in a supported employment context.

Civic Industries describes its wage assessment system as "revolving around constant assessment and review of what employees can do, how well they can do it, and what support is needed from Civic Industries".

3.5 **Content and Structure of the Tool**

The Civic Industries Wage Assessment Tool has six components:

1. The Determined Wage Level
2. Employee Task Skills
3. Employee Work Associated Competencies
4. Training & Support levels
5. Behaviour Management Support levels
6. Output measures

1. Determined Wage Level

This is the wage level allocated to a job or part of a job (task).

When a job is received into Civic Industries, it is assessed by the Factory Manager, Assistant Factory Manager, an Employee Representative and the Vocational Training Coordinator and allocated a wage level (A, B, C, D or E) based on the Skills Matrix and Job Models detailed in Schedule B of the Workplace Agreement.

A Task Analysis is prepared for each job and each job stage, and a wage level is allocated for each stage.

2. Employee Task Skills

Each employee has a Training Matrix that identifies all jobs and job stages for which the employee has received training. The Training Matrix identifies which competencies have been achieved, and in which areas employees have not achieved competence.

Competence is assessed by trained workplace assessors.

The wage levels allocated to the jobs and job stages (in step 1 above) are entered into the employee's Training Matrix.

The highest wage level at which the employee is assessed as being competent is the wage level used for wage assessment purposes.

3. Work Associated Competencies

The Work Associated Competencies of each employee are assessed three times per year. Each 'set' of Work Associated Competencies is allocated a Wage Level (as per Schedule B of the Workplace Agreement).

For example, at Wage Level A the Work Associated Competencies are those of the Training & Support Level plus:

- Independent Work Practice (A)
 - Works consistently with work supervisor present
 - Makes basic decisions regarding own work
 - Does not distract others
 - Remembers instructions minutes after they are given
- Working Consistently (A)
 - Requests more work as task is completed
- Flexibility (A)
 - Adapts to change i.e. moves to new task
- Quality Control (A)
 - Can check work and recognize errors
- Workstation (A)
 - Maintains a clean and tidy workstation

- Teamwork (A)
 - Demonstrates positive interaction with co-workers

By Wage Level E, the Work Associated Competencies are those of Training & Support and modules A, B, C and D plus:

- Independent Work Practice (E)
 - Shows initiative concerning work station or work section and makes decisions
 - Repairs all machinery in assigned production unit
- Working Consistently (D)
 - Encourages co-workers to maintain on task behaviour
- Flexibility (E)
 - Takes independent action to meet urgent requirements of production unit
- Quality Control (E)
 - Checks work completed by co-workers and corrects where necessary
- OH& S (E)
 - Identifies potential malfunctions in machinery/tools and notifies relevant staff
- Workstation (E)
 - Completes basic documentation for production unit
- Teamwork (E)
 - Understanding of workplace schedules and encourages co-workers to meet production demands

The Work Associated Competency assessment informs the training needs of employees and the goal-setting within Career Plans. The assessments form the basis of consultation at Career Plans and reviews.

The Work Associated Competency Wage Level is the wage level applicable to the Work Associated Competency 'set' at which the employee has been assessed.

4. Training and Support Levels

The assessment of training and support needs is based on daily reports of Trainer/Supervisors, observations and notes from the Vocational Training Coordinator, review of the Training Matrix and consultation with the employee and their support person(s) during Career Plans and reviews.

There are four levels of assessed Training and Support needs: High, Medium, Low and Nil.

5. Behaviour Management Support Levels

The assessment of behaviour management support is based on daily reports of Trainers/ Supervisors, observations and notes from the Vocational Training Coordinator, review of the Training Matrix and consultation with the employee and their support person(s) during Career Plans and Review.

There are four levels of assessed Training and Support needs: High, Medium, Low and Nil.

6. Output

Output is measured regularly in line with the Career Planning and review process and any major shifts in task skill requirements. Output averages are determined using a standard time formula that takes account of variables such as non-incentive, monotony, fatigue and personal needs. The employee's average output levels are entered on each

Task Analysis. There are three output levels: Below Average, Average and Above Average.

3.6 Assessment Process

A task analysis is done for each job and a wage level is assigned to each aspect of the job. The whole job might be rated at one wage level but parts of the job may be at other wage levels.

Employee task skills are identified using a Matrix which shows both the tasks in which employees are competent and those in which they are not yet competent (the latter information being used for training purposes). The highest wage level at which the employee is competent is the starting point for the calculation of the employee's wage.

The employee's Work Associated Competencies are assessed three times a year. The wage level for the Work Associated Competencies 'set' at which the employee has been assessed is used in the wage calculation.

Daily reports, observations and notes from the employee's Trainer/Supervisor and the Vocational Training Officer are used to determine the employee's Training & Support Level and Behaviour Management Support Level.

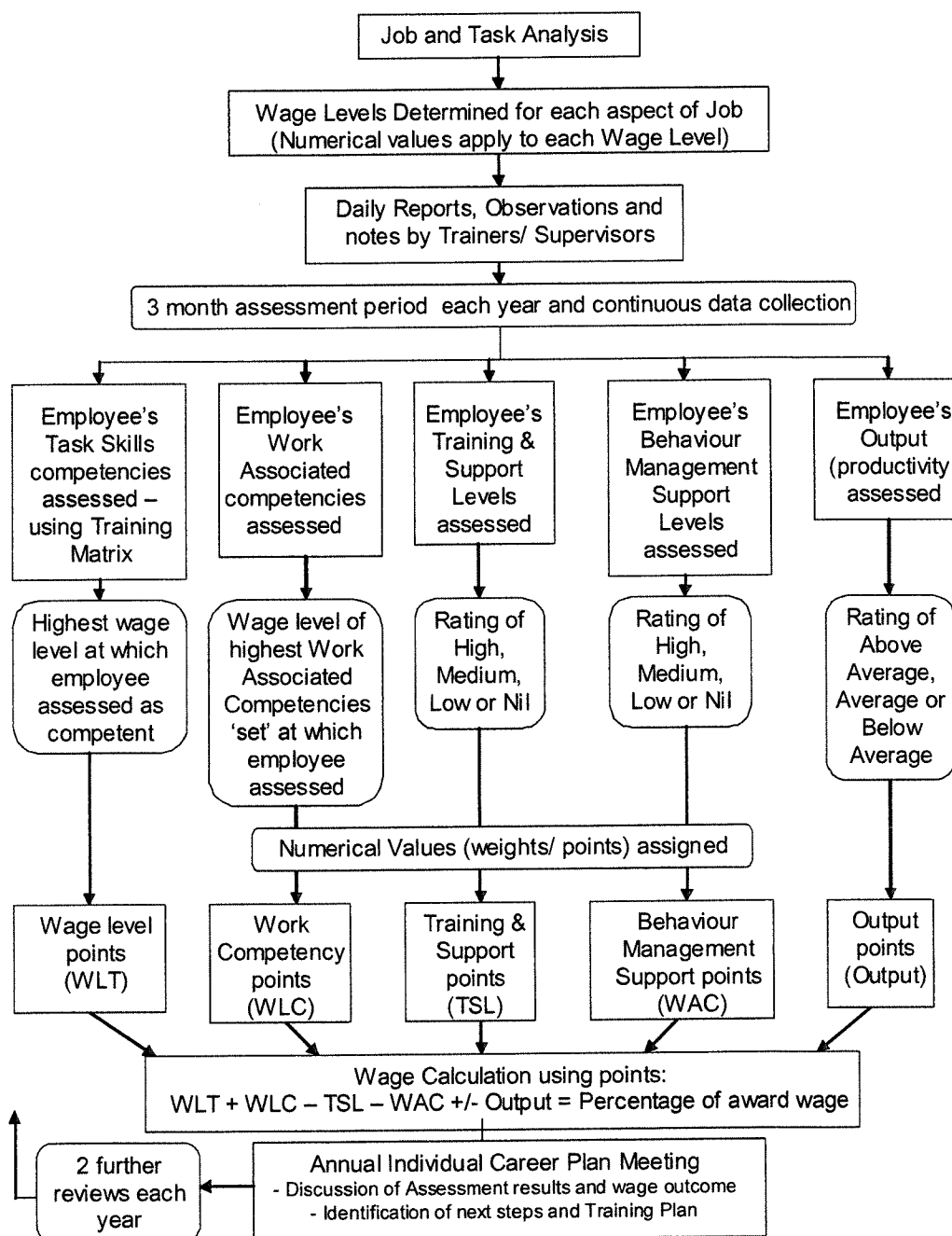
Output (productivity) measures are collected based on three observations. Assessment data is reviewed by trained workplace assessors, Vocational Training Officer and Factory Manager. The results are also discussed with the employee (and their significant others) to determine the level of support required.

The employee's wage rate is then calculated using the process and formula described in *3.7 Scoring and Wage Calculation*.

Once per year, the assessment information feeds into the Individual Career Plan process. The assessment results are discussed at the employee's Career Plan meeting with the employee and their significant others present. Steps are also identified to help the employee to achieve the next wage level.

The assessment process is summarised in the following diagram:

Summary of Civic Industries Wage Assessment Process



3.7 Scoring and Wage Calculation

Each of the 6 wage assessment components results in a numerical value (weighting).

1. **Determined Wage Level**
 Each Wage Level (A, B, C, D and E) has a numerical weighting:
 A = 10
 B = 20
 C = 30
 D = 40
 E = 50
2. **Employee Task Skills**
 The highest wage level at which the employee has been assessed as competent is used in the Wage Calculation and has a numerical weighting as per 1. above.
3. **Work Associated Competencies**
 The wage level applicable to the Work Associated Competency 'set' at which the employee has been assessed has a numerical value as per 1. above.
4. **Training and Support Levels**
 Each assessed Training and Support Level has a numerical weight:
 High = -45
 Medium = -25
 Low = -10
 Nil = 0
5. **Behaviour Management Support Levels**
 Each assessed Behaviour Management Support Level has a numerical weight:
 High = -25
 Medium = -15
 Low = -5
 Nil = 0
6. **Output**
 Each assessed output level has a numerical weight:
 Below Average = -30
 Average = 0
 Above Average = +10

The Wage Calculation Formula is as follows:

Employee's Task Skills Wage Level (WLT)
 PLUS Employee's Work Associated Competencies Wage Level (WLC)
 MINUS Employee's Training and Support Level (TSL)
 MINUS Employee's Behaviour Management Support Level (WAC)
 PLUS/MINUS the Employee's Output Level
 i.e **WLT + WLC – TSL – WAC +/- Output = Percentage of the Award Wage to be paid**

For example, if an employee is assessed across the range of work tasks that they undertake and the highest wage level of any of the tasks in which the employee is assessed as competent is Wage Level C, then WLT for this employee = 30.
 If the Work Associated Competency 'set' at which the employee is assessed is at Wage Level B, then WLC = 20.

If the employee's Training and Support levels are assessed as 'Medium', then TSL = -25.

If the employee's Behaviour Management Support Levels are as assessed as 'Low', then WAC = -5.

If the employee's Output is assessed as Average, then the numerical weight for Output = 0.

The Wage Calculation for this employee is:

WLT + WLC – TSL – WAC +/- Output, i.e.

$30 + 20 - 25 - 5 + 0 = 20$.

This employee would therefore be paid 20% of the award wage.

3.8 Good Practice Guide to Wage Determination Criteria

3.8.1 Compliance with Relevant Legislation and Standards

SAI Global Assurance Services made the following comments in their audit report, dated May 2004:

"Civic industries offer employees work conditions, opportunities and benefits that reflect that of an employee undertaking work in a similar industry and in accordance with the Civic Industries (Supported Employees) Workplace Agreement 2003. . .

After reviewing the wage system and the wage assessment process, the process for determining pro-rata wage rates appears to be transparent and clear. The wage outcome can be validated by the objective criteria. There is opportunity for advancement and the level is not downgraded due to a drop in performance or other reason." (Audit report comments in respect of KPI 9.1)

The Australian Industrial Relations Commission also considered that the wage system was consistent with the KPI for Standard 9.1 (refer Industrial Relations section (g) below).

3.8.2 Validity

Civic Industries considers that its wage assessment tool is more rigorous than some other wage assessment systems. It has passed the sensibility test and no grievances have been upheld.

The process is explained to employees, their families and advocates at Individual Career Plan meetings and training groups are held with regard to the Disability Service Standards, wage assessment system etc.

The Civic Industries tool is similar to the Greenacres tool and the model used for the Skillsmaster system.

3.8.3 Reliability

Civic Industries describes the collection of data as the key to the wage assessment tool's objectivity. Large amounts of documented observations and other records

are maintained and this is done intensively over a three month period and then continuously over the rest of the year.

There are at least three staff regularly on the production floor observing employees' performance. Assessment data goes through a review process with the Vocational Training Manager and Factor Manager and the employee involved. The assessment result is therefore determined by a number of assessors over an extended period of time.

No one person controls the assessment process or outcome, and comprehensive evidence is collected on a continuous basis

3.8.4 Wage Outcomes

There was an average increase of 45% in employees' wages when the tool was applied.

There is a minimum wage of \$1.15 per hour at entry level and the maximum that an employee can earn under the Civic Industries agreement is 110% of the award (although it is noted that at this level, the employee should probably be in open, not supported, employment.)

There is also provision to override the wage calculation and strike a fair wage commensurate with the employee's other contributions to the workplace, for example, if an employee has very challenging behaviours or constantly requires retraining.

The organisation's financial viability is not taken into account when determining wage assessment outcomes.

3.8.5 Practical Application of the Tool

Civic Industries describes the data collection process as "rigorous and time-consuming". Case-based funding also requires a similar process and there is the potential to adjust observation forms, etc to cover both processes.

Civic Industries suggests that there is no easy answer to determining wages but the Civic Industries tool is appropriate to their situation and can be used for any multi-disciplined Business Service setting.

3.8.6 Administrative and Cost Implications

As the Civic Industries tool involves in-house assessment rather than purchased external assessment, the main costs are in staff time. Civic Industries estimates that approximately 35 hours of staff time per employee per year is required for processing documentation and observation data and conducting the individual meeting for the wage assessment and case based funding purposes. This would represent an actual cost of between \$800 and \$1,200 per employee.

Data collection is an integral and continuous requirement of the trainers/supervisor's role and as such would not be separated for costing purposes.

It was noted however that the data collection requirements had increased significantly due to both the wages system and case based funding.

3.8.7 Industrial Relations

The decision of Senior Deputy President Marsh of the Australian Industrial Relations Commission, in relation to the 'no disadvantage test', included the following:

"I am satisfied that the wage rates which reflect percentages of the classification structure contained in the designated award . . . have been adequately assessed and meet KPI 9.1 of Standard 9 Employment Conditions of the Disability Services Standards and Key Performance Indicators . . . In particular, the rates have been assessed using indicative tasks and making appropriate comparisons, including the skill and performance of people with and without disabilities . . . All other statutory requirements have also been met as set out in the statutory declaration filed in accordance with the Rules of the Commission." (Australian Industrial Relations Commission, Civic Industries Supported Employees Workplace Agreement 2003, Reasons for Decision, Sydney 17 February 2004)

3.8.8 Links to Training

The wage assessment process links to the employee's job skills and training matrix. The Work Associated Competencies are all tied to national competencies. Work skills training is provided in-house and the potential for external training exists through TAFE.

3.8.9 Process for Disputing/Appealing the Outcome

There is an appeals mechanism through which employees can appeal a wage assessment decision. To date, there have been 2 appeals, but neither of these was taken further by the employees, once the process and reasons for the decision were explained.

In some cases there is pressure from families of employees to restrict wage levels due to perceived effect on the employee's Disability Pension. In these cases, the financial benefits of a wage increase are explained.

Information Sources:

- Telephone Interview with Eugene Pickerd, General Manager Civic Industries
- Written information provided by Eugene Pickerd including extracts from quality audit report May 2004, AIRC 'Reasons for Decision' re Civic Industries (Supported Employees) Workplace Agreement 2003.

AG831353 PR942389

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996
s.170LK Agreement with employees (Division 2)

SLAS Ltd
(AG2003/10730)

**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

Health and welfare services

SENIOR DEPUTY PRESIDENT MARSH

SYDNEY, 13 JANUARY 2004

CERTIFICATION OF AGREEMENT

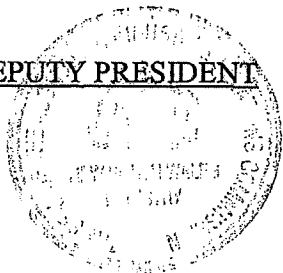
In accordance with section 170LT of the *Workplace Relations Act 1996*, the Commission hereby certifies the attached written agreement.

This agreement shall come into force from 13 January 2004 and shall remain in force for a period of two years.

BY THE COMMISSION:

J. Cheryl

SENIOR DEPUTY PRESIDENT



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**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**



**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

1 PREAMBLE

SLAS Limited (Civic Industries) is a non-profit organisation partially funded by the Commonwealth Department of Family and Community Services. The aim of the organisation is to give people with a disability, the opportunity to live and work in a community that respects and accepts them as individuals and equals. The purpose of the organisation is to:

- *Provide support to people with a disability in a manner that recognises and promotes their value as individuals;*
- *Provide long term supported employment and support for disabled people with moderate/high support needs;*
- *Provide skills development and training to facilitate opportunities for career advancement to an open employment environment; and*
- *Provide quality products and services to our customers.*

In addition to providing employment in accordance with community expectations, SLAS Limited also provides the following support at a higher level than would be usual in an organisation which did not have a similar purpose:

- ◆ vocationally-related training
- ◆ work experience
- ◆ job modification
- ◆ assistance with progression to other employment; and
- ◆ an integrated range of non-vocationally related support services.

The primary relationship that exists between SLAS Limited and its employees with a disability extends beyond that which is generally expected in an employer-employee relationship.

It is further acknowledged this primary relationship has a direct impact on the operational costs of the service, the terms and conditions of employment and wage rates contained in this agreement and paid to employees.

The Agreement has been developed with a view to achieving the mission of the organisation, which is;

“To provide a range of vocational training and experiences, so that the individual maximises their potential and is employed at the most gainful vocational level possible”.

Through ongoing training and support people with disabilities will be given the opportunity to work and therefore contribute to the community, increase their self-esteem and to exercise choice in their way of life.

**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

This agreement through its skills structure, training and support content, promotes community acceptance and recognition of the rights of employees with a disability and focuses on the abilities of employees not their disabilities.

FINAL DOCUMENT

**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

2 TITLE

This agreement shall be known as the "Civic Industries (Supported Employees) Workplace Agreement 2003"

3 APPLICATION OF THE AWARDS

This agreement shall operate and be read so as to operate in conjunction with the *Australian Liquor Hospitality & Miscellaneous Workers Union Supported Employment (Business Enterprises) Award 1993*, or any award made in succession thereof, and to the extent that the provisions of the award as amended from time to time are inconsistent with the provisions of this agreement, the provisions of this agreement shall apply to the extent of any inconsistencies.

The following clause of the award is excluded from the provisions of this agreement;

- Clause 15 – Preference to Union Members
- Clause 29 – Trade Union Training Leave

The rights of employees and employee organisations are dealt with and contained in the Workplace Relations Act 1996, and will be adhered to by SLAS Limited.

4 GLOSSARY OF KEY TERMS

The Agreement	Civic Industries (Supported Employees) Workplace Agreement 2003
The Organisation	SLAS Limited, ACN 000 744 141, trading as Civic Industries.
The employees	The employees of Civic Industries who are eligible for or in receipt of a Disability Support.
Full-time employee	An employee who works a thirty-five (35) hour week.
Part-time employee	An employee who works a specified number of regular days and/or hours being less than those worked by a full-time employee in a four-week period.
Casual employee	An employee who is paid as such and engaged by the hour.
Remuneration	The minimum rates of pay for employees covered by the agreement.
Ordinary Hours of Work	The hours of work excluding overtime and shall be no more than thirty-five (35) hours in any week
Sick Leave	Leave that employees can take when they are sick - (10) days sick leave per year on full pay

**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

Carers Leave	Leave that the employer can give for an employee to care for ill or injured immediate family members.
Annual Leave	Leave that employees accumulate during the year. (See <i>Annual Holidays Act 1944</i>).
Annual or General Shut Down Periods	Periods where the organisation is shut and employees can take leave.
Bereavement Leave	Leave that an employee can take if a family member dies.
Public Holidays	Holidays gazetted as a public holidays throughout the State of New South Wales.
Long Service Leave	Leave that employees accumulate while they are working. (See <i>Long Service Leave Act 1955</i>).
Leave Without Pay	Special leave for a limited period and without pay.
Absent Without Leave	An employee absent without notifying the organisation.
Unsatisfactory work performance	Failure to perform the requirements of a position at an acceptable standard or level of competence.
Unsatisfactory conduct	Failure to observe the organisation's policies and procedures and code of conduct.
Serious Misconduct	Behaviour which justifies instant dismissal.
Workers Committees	Employees' Representative Committee O H & S Committee

5 ARRANGEMENT

This agreement is arranged as follows:

PART 1	PURPOSE
1.1	Intention
1.2	Communication
1.3	Duress
1.4	Incidence
1.5	Date and Period Operation
1.6	No Extra Claims

**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

PART 2 TERMS AND CONDITIONS OF EMPLOYMENT

- 2.1 Terms of Engagement
- 2.2 Engagement
 - 2.2.1 Full-time Employees
 - 2.2.2 Part-Time Employees
 - 2.2.3 Casual Employees
- 2.3 Probationary Period
- 2.4 Termination of Employment
- 2.5 Managing Challenging Behaviour
- 2.6 Abandonment of Employment
- 2.7 Summary Dismissal
- 2.8 Introduction of Change
 - 2.8.1 Duty to Notify
 - 2.8.2 Duty to Discuss Change
- 2.9 Redundancy
 - 2.9.1 Notice of Termination of Employment
 - 2.9.2 Employee Leaving during Notice Period
 - 2.9.3 Severance Pay
 - 2.9.4 Incapacity to Pay
 - 2.9.5 Statement of Employment
 - 2.9.6 Employment Separation Certificate
- 2.10 Performance of Work

PART 3 SKILL DEVELOPMENT, EDUCATION AND TRAINING

- 3.1 Levels Structure (Classifications)
 - 3.1.1 Skills Matrix/Job Models
 - 3.1.2 Skills Assessment
- 3.2 Skills Development
 - 3.2.1 Training
 - 3.2.2 Study Leave
 - 3.2.3 Training Subsidy
 - 3.2.4 Career Path Planning
 - 3.2.5 Progression to Higher Level
 - 3.2.6 Adjustment to Lower Level
 - 3.2.7 Performance Review

PART 4 WAGES AND ALLOWANCES

- 4.1 Remuneration
- 4.2 Performance Based Wages (Level F, Wage Structure)
- 4.3 Cost of Living Increases
- 4.4 Meal Allowance
- 4.5 Payment of Wages

**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

PART 5 HOURS OF WORK

- 5.1 Ordinary Hours of Work
- 5.2 Spread of Hours
- 5.3 Overtime
 - 5.3.1 Monday to Saturday
 - 5.3.2 Sundays
 - 5.3.3 Holidays
- 5.4 Meal Breaks
- 5.5 Overtime Meal Breaks
- 5.6 Rest Pause (Morning Tea)
- 5.7 Alternate Duties
- 5.8 Changes to "Hours of Work"

PART 6 LEAVE

- 6.1 Sick Leave
- 6.2 Carers Leave
- 6.3 Annual Leave
 - 6.3.1 Entitlement
 - 6.3.2 Annual Holiday Loading
 - 6.3.3 Annual or General Shut Down Periods
- 6.4 Long Service Leave
- 6.5 Bereavement Leave
- 6.6 Public Holidays
 - 6.6.1 Absent Without Leave
- 6.7 Parental Leave
- 6.8 Leave Without Pay

PART 7 ORGANISATION POLICY AND PROCEDURES

- 7.1 Avoidance of Disputes and Grievance Procedure
 - 7.1.1 Procedure Principles
 - 7.1.2 Disputes and Grievance Resolution Procedure
- 7.2 Disciplinary Policy and Procedures
 - 7.2.1 Definitions
 - 7.2.2 Unsatisfactory Work Performance or Conduct
 - 7.2.3 Serious Misconduct
- 7.3 Organisation Policy and Code of Conduct
- 7.4 Workers Committees

PART 8 OCCUPATIONAL HEALTH AND SAFETY

- 8.1 Work Practices
- 8.2 Protective Clothing and Safety Equipment
- 8.3 Workers Compensation
- 8.4 First Aid
- 8.5 Use of Tools

**CIVIC INDUSTRIES (SUPPORTED EMPLOYEES)
WORKPLACE AGREEMENT 2003**

PART 9 MISCELLANEOUS

9.1 Superannuation

PART 10 SIGNATORIES TO AGREEMENT

SCHEDULE "A" Pro-rata Award Based Wages

SCHEDULE "B" Skills Matrix/Job Models

SCHEDULE "C" Skills Assessment

SCHEDULE "D" Wage Assessment Tool – Pro-rata Award Based Wages

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PART 1 - PURPOSE

1.1 Intention

The intention of the agreement is to formalise and consolidate the terms and conditions of employment already enjoyed by employees into one complete document. Those terms and conditions have been in place and accepted by the employees and the organisation for many years. Furthermore, the intention is to ensure that no employee will be disadvantaged by the making of the agreement.

The agreement has been developed through a process of consultation and reflects a commitment to developing a multi-skilled work force and achieving a flexible and more competitive enterprise.

The intention is to create an environment, which will encourage and support a skilled and committed work force where participation and development of employee's skills will be a priority for the betterment of the individual and the business.

Work will be organised to maximise the flexibility of the work force while enabling employees to work to the limits of their skills and capabilities. There will be no artificial barriers preventing employees from performing tasks in which they have been trained.

The agreement aims to further the objectives of SLAS Limited which are to:

- (a) Provide training and access to employment for persons with a disability with emphasis on encouraging employees with a disability to move into open employment if they so choose.

In doing so SLAS Limited will endeavour to..

- (i) work co-operatively with the community, agencies and government in developing and implementing planning, strategies, management and project based activity.
- (ii) enhance the quality of employment of all its employees.

- (b) In this agreement these aims will be strengthened by...

- (i) developing a team approach to all activity which will enable any employee to perform where required any task for which that employee is suitably trained.
- (ii) developing a workplace culture, characterised by structures, in which quality management responsibilities are shared by all employees and in which multi-skilling and continuous skills development, together with the sharing of broad common goals among employees and management, are features of the workplace.

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- (iii) developing structures and procedures which reflect the principles of employee consultation and participation by employees in decision-making processes.

1.2 Communication

SLAS Limited will endeavor to provide employees with information in accessible formats to support them in making informed decisions in regard to their employment and the consequences of their decisions.

Information will be dispersed through the use of any combination of the following:

- (a) Meetings
- (b) Management reports
- (c) Newsletters, posters, notice boards, display and audio/visual material
- (d) Literature including pictorial format
- (e) Plain English written and verbal material

Where it is stated in this Agreement that consultation, discussions or any form of communication between SLAS Limited and the employee is to occur, it is agreed that the employee has the choice to have their parent/guardian, advocate and/or an independent employee representative in attendance to assist them to understand and appreciate the full significance of discussions and to make informed decisions and choices.

Training opportunities for employees will be sought to facilitate independence in making decisions and choices.

SLAS Limited will schedule Career Plan (CP) meetings to address employee(s) needs. The meeting will be convened in accordance with organisation policy and procedure as determined from time to time.

1.3 Duress

The parties agree that this agreement was not entered into under duress and is in the interest of all the parties bound. Special arrangements have been made to ensure people with disabilities have been adequately consulted and informed as to the content of the agreement and the implications the terms and conditions contained in the agreement will have on their employment.

1.4 Incidence

This agreement shall be binding upon....

- (a) SLAS Limited ACN 000 744 141 trading as Civic Industries hereafter referred to as ("**the Organisation**") of 99 Cawarra Road, CARINGBAH, NSW 2229 in respect of employees covered by this agreement and employed at various locations for which the organisation has a facility to operate; and

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- (b) The employees of Civic Industries hereafter referred to as (“the employees”) who are eligible for or in receipt of a Disability Support Pension and engaged in the classifications specified in Clause 3.1 Levels Structure (Classifications) of this agreement.

1.5 Date and Period of Operation

This agreement shall operate for a period of two years from the date of certification.

1.6 No Extra Claims

No extra claims, including wage or allowance increases, shall be claimed or granted, other than those contained or provided herein for the duration of this agreement.

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PART 2 - TERMS AND CONDITIONS OF EMPLOYMENT

2.1 Terms of Engagement

Career Plans (CPs) will be completed with all employees. CP's will be reviewed twice per year or in accordance with organisation Policy.

Upon engagement the organisation shall provide each new employee (and/or their parent, guardian or advocate) with a written Terms of Engagement encompassing a job description which shall specify the following information:

- (i) accountabilities, functions and responsibilities
frequency and type of employee appraisal
terms and conditions of service including the provisions of this agreement.
- (ii) summary of the duties of the position, including a signed statement that the employee acknowledges and understands the provisions of the terms of engagement and will carry out other duties as required by the organisation.
- (iii) summary of requirements, if any, for the position which have been specified by the funding authority.
- (iv) commencement date and general terms and conditions including;
 - employee's regular hours of work
 - employee's classification within the Levels Structure
 - employee's rate of pay
- (v) summary of the employee's training obligations.
- (vi) information about the Workplace Agreement.

Time will be made available for the employee to read the agreement prior to commencement. The employee's parent/guardian, advocate or an independent representative will be requested to assist those employees unable to understand its content.

- (vii) any other information including the organisation Policies, Procedures and Quality Assurance.

2.2 Engagement

2.2.1 Full-Time Employees

A full-time employee shall mean an employee who works a thirty-five (35) hour week.

All employees not specifically engaged on a part-time or casual basis shall be full-time employees.

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2.2.2 Part -Time Employees

A part-time employee shall mean a person who works a specified number of regular days and/or hours being less than those worked by a full-time employee in a four-week period. A part time employee shall be paid an hourly rate calculated on the basis of one-thirty fifth of the full time weekly rate applying to the classification and shall be entitled to all the benefits and conditions enjoyed by full-time employees on a pro-rata basis.

A part-time employee's regular days and hours may be altered by the organisation provided the said employee has been given reasonable notice in writing of the organisation's intention to change such hours.

Pro-rata benefits and conditions shall be calculated from week to week based on the number of hours worked in the said week.

2.2.3 Casual Employees

A casual employee shall mean an employee who is paid as such and engaged by the hour.

A casual employee shall be paid a minimum of three (3) hours at the appropriate rate for each engagement.

A casual employee, in addition to the hourly rate calculated in accordance with this agreement applying to the employees classification, shall be paid twenty-three per cent (23%) inclusive of the annual leave entitlement, pursuant to the *New South Wales Annual Holidays Act 1944*.

2.3 Probationary Period

A probationary period of three months will apply to all new employees. During this period, the employee's performance will be monitored, with the employee, being advised regularly of their performance outcomes. Following the probation period the employee shall be advised in writing as to the continuation of employment, such continuation being dependent on the employee obtaining an acceptable standard of performance.

2.4 Termination of Employment

In order to terminate the employment of an employee the organisation shall give to the employee the following notice:

Period of Continuous Service	Period of Notice
Not more than 1 year	One week
More than 1 year but not more than 3 years	Two weeks
More than 3 years but not more than 5 years	Three weeks
More than 5 years	Four weeks

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The period of notice is increased by one week if the employee is over 45 years of age and has completed at least 2 years continuous service with the organisation.

The notice of termination required to be given by an employee shall be the same as that required of the organisation, except that there shall be no additional notice based on the age of the employee concerned.

By mutual arrangement between the parties, employees after having been given or have given notice, may leave their employment before the expiration of the notice period and receive wages up to the last day worked.

The organisation at its discretion may pay wages in lieu of the notice period in which case the employee would not be required to work during such notice period.

2.5 Managing Challenging Behaviour

Where a situation warrants dismissal or severe discipline of a supported employee (employee with a disability), an option of the organisation, subject to investigation is to suspend the supported employee from duty without pay.

Such suspension shall be regarded as appropriate for the protection of the individual, the safety of other persons and/or the protection of the commercial trading reputation of the organisation.

Every effort shall be made to ensure the supported employee concerned understands the reason for the suspension. A program of support and training will be offered on the return to work of the employee. Any suspension will be seen as a constructive and positive step towards the resolution of the problem.

The period of suspension shall be determined by the organisation in consultation with the employee and/or their guardian/parents, advocate and/or an independent representative, but in general shall not exceed two (2) weeks in duration.

2.6 Abandonment of Employment

An employee who is absent from work for five (5) consecutive working days or more without the consent of the organisation and who has not made contact with the organisation or their supervisor shall be deemed to have abandoned their employment and shall be terminated and paid entitlements up to and including the last day worked.

2.7 Summary Dismissal

Notwithstanding the provisions of sub-clauses 2.3 and 2.4, the organisation shall have the right to dismiss any employee without notice for serious misconduct which justifies instant dismissal, (see clause 7.2 Disciplinary Policy and Procedures), in which case the employee shall be paid all entitlements up to the date and time of dismissal only.

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2.8 Introduction to change

2.8.1 Duty to Notify

Where the organisation has made a definite decision in accordance with this agreement to introduce major changes in production, programme, organisation structure or technology that are likely to have significant effects on employees, the organisation shall notify those employees who may be affected by the proposed changes.

"Significant effects" includes termination of employment, major changes in the composition, operation or size of the organisation's workforce or in the skills required, the elimination or diminution of job opportunities, promotion opportunities or job tenure, the alteration of the number of hours to be worked, the need for retraining or transfer of employees permanently to other work locations and the restructuring of jobs.

2.8.2 Duty to Discuss Change

The organisation shall discuss with the employees affected, inter-alia, and if requested their parents/guardian, advocate and/or an independent representative the introduction of the changes referred to above, the effects the changes are likely to have on employees and measure to avert or mitigate the adverse effects of such changes on employees, and shall give prompt consideration to matters raised by the employees in relation to the changes.

The discussion shall commence as early as practicable after a definite decision has been made by the organisation to make the changes referred to in this clause.

For the purpose of such discussion, the organisation shall provide to the employees concerned all relevant information about the changes, including the nature of the changes proposed, the expected effects of the changes on employees and any other matters likely to affect employees, provided the organisation shall not be required to disclose confidential information the disclosure of which would adversely affect the organisation.

2.9 Redundancy

The provisions of this clause shall apply to all employees covered by the agreement excluding casual employees.

2.9.1 Notice of Termination of Employment

The notice of termination shall be in accordance with Clause 2.4 Termination of Employment of this agreement.

2.9.2 Employee Leaving During the Notice Period

If the employment of an employee is terminated (other than for misconduct) before the notice period expires, the employee shall be entitled to the same benefits and payments under this clause had the employee remained with the organisation until the expiry of such notice, provided that in such circumstances the employee shall not be entitled to pay in lieu of notice.

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2.9.3 Severance Pay

Where an employee is to be terminated pursuant to Clause 2.8 Introduction of Change of this agreement, subject to further order of the Australian Industrial Relations Commission, the organisation shall pay the following severance pay in respect of a continuous period of service:

Years of Service	Under 45 Years of Age Entitlement
Less than 1 year	Nil
1 year and less than 2 year	4 weeks
2 years and less than 3 years	7 weeks
3 years and less than 4 years	10 weeks
4 years and less than 5 years	12 weeks
5 years and less than 6 years	14 weeks
6 years and over	16 weeks

Where an employee is 45 years old or over, the entitlement shall be increased by twenty-five (25%) percent.

"Weeks pay" means the base hourly rate contained in SCHEDULE "A" for the employee concerned at the date of termination, and shall include, in addition to the base rate of pay, any allowances paid pursuant to the terms of this agreement.

2.9.4 Incapacity to Pay

Subject to an application by the organisation and further order of the Australian Industrial Relations Commission, the organisation may pay a lesser amount (or no amount) of severance pay than that contained in this clause.

The Australian Industrial Relations Commission shall have regard to such financial and other resources of the organisation as the Commission thinks relevant, and the probable effect that paying the amount of severance pay in accordance with this clause will have on the organisation.

2.9.5 Statement of Employment

The organisation shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee a written statement specifying the period of the employee's employment and the classification of or the type of work performed by the employee.

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2.9.6 Employment Separation Certificate

The organisation shall, upon receipt of a request from an employee whose employment has been terminated, provide to the employee an "Employment Separation Certificate" in the form required by the relevant Government Department.

2.10 Performance of Work

Employees shall perform all reasonable work within their skill and competence, including work, which may be peripheral and or incidental to their main task or function. Further, it is agreed that there will be no demarcations other than those arising from individual levels of skill, competence and training.

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PART 3 - SKILL DEVELOPMENT, EDUCATION AND TRAINING

3.1 Levels Structure (Classifications)

The level structure (classifications) contained in this agreement are those contained in the attachment **SCHEDULE "B" "Skills Matrix/Job Models"**.

3.1.1 Skills Matrix/Job Models

The required skills (competencies) of employees covered by this agreement, are those contained in the attachment **SCHEDULE "B" "Skills Matrix/Job Models"**

The Job Models have been developed through consultation and an assessment process with employees, and reflect all tasks to be undertaken within the organisation. Each Job Model has been assessed relevant to the skills required and placed within the pay Level Structure contained in **SCHEDULE "A"**.

Each Job Model has specific identified skills (competencies) which an employee must have before they are eligible to be appointed to the Job Model level and paid as such.

It is acknowledged and agreed the "Job Models" document may be varied from time to time by the organisation in consultation with employees to meet changes in operational requirements or the introduction of new or altered processes or tasks.

3.1.2 Skills Assessment

All employees will be assessed against the competencies contained in **SCHEDULE "B" Skills Matrix/Job Models** of the agreement. The assessment system and process will be accordance with the procedures contained in **SCHEDULE "C" Skills Assessment**.

3.2 Skills Development

The parties to this agreement are committed to providing more flexible working arrangements, improving the quality of working life, enhancing skills and job satisfaction, and assisting positively in employee development. The commitment is to:

- (a) Develop a more skilled and flexible workforce;
- (b) Provide employees with career opportunities through appropriate paid training;
- (c) Encourage employees to acquire additional skills;
- (c) Remove barriers to the utilisation of skills acquired;
- (d) Assist in the training of new employees and the training of existing employees to enable them to gain the skills necessary to carry out their assigned tasks and to progress through the levels structure.

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Every employee, will be given the opportunity to undertake training, subject to the requirements to maintain productivity levels, the ability of the employee to be trained, the skills needed within the organisation and the financial constraints of the organisation - and further the requirements of the Disability Service Standards.

The Organisation will endeavour to provide employees with career opportunities linked to their ability to obtain and maintain the required levels of skill (competence) in line with the Job Models. Training and assessment programs, will be structured to meet all current legislative and National Training Board framework requirements.

3.2.1 Training

Training is a feature of skills development, and where it is determined by the organisation that training is required it shall be so arranged as to be included as part of an employee's normal working hours.

All employees of the organisation shall have a basic knowledge and/or shall undertake training in the following:

General Induction

- ◆ Mission, Policies and Procedures
- ◆ Organisational Structure
- ◆ Conditions of Employment
- ◆ Rights and Responsibilities
- ◆ Site Orientation and Introduction to Supervisors and Fellow Workers

Occupational Health and Safety Induction

- ◆ OH&S Policy and OH&S Plan
- ◆ OH&S Procedures and Safety Rules
- ◆ OH&S Committee
- ◆ Rights and Responsibilities
- ◆ Site and Hazard Orientation

Career Plans shall be used to identify employee development and training needs. The plans will consider such issues as employee needs, choices and expectations, objectives of the organisation and quality assurance.

Employees will be provided with the opportunity to attend on-the-job training, in-service training, and continuing training programs, which are appropriate to their ability and work.

3.2.2 Study Leave

Where the organisation determines that an employee shall undertake additional training the employee shall undertake such training. Provided, if the training is undertaken during ordinary working hours the employee shall not suffer any loss of pay. The organisation shall endeavor to schedule training programs during ordinary working hours, however, if such training is

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conducted outside normal working hours the employee shall be paid at ordinary time rates while attending such training course.

All other non-organisation approved training undertaken outside ordinary working hours will be without pay.

3.2.3 Training Subsidy

Any cost associated with standard fees for courses and prescribed textbooks incurred in connection with the undertaking of an organisation approved training course shall be reimbursed by the organisation upon production of evidence of such expenditure. Provided that reimbursement shall be on an annual basis subject to the presentation of reports of satisfactory progress. A limit of one hundred dollars (\$100) per year will apply to textbooks but may be increased by the organisation.

3.2.4 Career Path Planning

A career path structure will be made available to all employees of the organisation. It will be based on **SCHEDULE "B"** Skills Matrix/Job Models and through the identification of competencies held by an employee and required by the organisation.

Structured processes using a range of methods and strategies will be used to record and assess current skills (competence), skills deficiencies, and to provide training to meet the performance goals of individuals. Those strategies will be developed in line with the current needs of the organisation.

Through the development of training strategies career progress will be linked to skill development exercises, in-house on the job training and/or off-site training with training providers.

3.2.5 Progression to Higher Level

It is agreed that the introduction of a levels structure encourages employees to obtain additional skills to progress to a higher level.

An employee must have obtained the requisite skills nominated within the "Job Models" at their current level and at a higher level before advancing to that higher level.

Progression through the levels structure is dependent upon the capability of the employee and the needs of the organisation to fill a position at a higher level.

3.2.6 Adjustment to Lower Level

It is understood that some employees may be assessed during a performance review to have lost or not maintained skills required at their current level. In this situation the organisation may adjust the employee to a lower level more comparable to the employee's current skill, ability and productivity. Any decision to adjust an employee to a lower level shall be determined by the organisation in consultation with the employee and/or their

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parent/guardian, advocate and/or an independent representative. No adjustments will be made in the first twelve (12) months of this Agreement.

3.2.7 Performance Review

A review of an employee's performance shall be undertaken three times per year or in accordance with the organisation's policy as determined from time to time, and the requirements of the Commonwealth Department of Family and Community Services. Additional reviews may be conducted on a needs basis.

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PART 4 - WAGES AND ALLOWANCES

4.1 Remuneration

The minimum rates of pay for employees covered by this agreement are those contained in the attachment **SCHEDULE "A"** Pro-rata Award Based Wages. The rates of pay recognise and compensate the flexible arrangement within the workforce in relation to the way employees utilise the skills they possess.

Assessment of employees from the current classification structure to the agreement levels structure shall be conducted in accordance with the procedures contained in **SCHEDULE "C"** Skills Assessment. Assessment shall be undertaken by the organisation and/or independent assessors (with the appropriate workplace assessor qualification)

Saving clause shall apply to current rates of pay so that no current employee shall receive less than they would receive prior to the approval of the agreement.

All employees will be subject to a skills analysis within the first twelve months of the Agreement.

Employees who are determined to have skills commensurate with a higher level than that at which they are presently being paid, will be progressed to that higher level, subject to an approved position being vacant, on completion of the analysis.

Employees who are determined to have skills at a level below that at which they are being paid, will be offered suitable training to increase their skills. Employees who are unable to improve their level of skill in the first twelve (12) month of this Agreement will be subject to Clause 3.2.6 Adjustment to a Lower Level of this Agreement.

4.2 Performance Based Wages (Level F, Wage Structure)

Both the organisation and employees agree the ability to utilise skills possessed to a higher level of performance and productivity is fundamental to increases in remuneration.

The organisation also recognises the work performance of individual employees and the commitment of individual employees to increase performance, productivity and their level of skill.

To this extent Level F contained in **SCHEDULE "A"** provides a mechanism for individual employees to achieve increases in remuneration based on the performance at a higher level of skill.

Employees who have progressed to Level E, of the Wage Structure or are recognised by the organisation to be performing at a higher level of productivity (output) at their current level may be assessed by the organisation in accordance with **SCHEDULE "C"** Skills Assessment. The assessment will assess the level of skill, performance and productivity of the employee against predetermined criteria. Such criteria shall include but is not limited to;

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- Leadership Skills
- Overall Work Performance
- Productivity (Output)
- Formal Qualifications
- Level of Skill Obtained
- Adaptability
- Initiative
- Behavioural Competencies

Following assessment, a wage rate will be determined by the organisation within the wage range contained in Level F.

4.3 Cost of Living Increases

The organisation recognises the need for employees to benefit from improvements in the economic climate and to catch up with the cost of living.

To this extent the organisation agrees to increase the minimum rates of pay contained in **SCHEDULE "A"** from the 1st July each year by an amount pro rata to, and in accordance with any National Wage Case decision as determined and granted by the Australian Industrial Relations Commission from time to time.

4.4 Meal Allowance

An employee, required to work overtime for more than two (2) hours after his/her ordinary ceasing time and who has not been notified on the immediately preceding working day that he or she would be required to work such overtime, shall be paid an allowance as set out in "**SCHEDULE A**" Meal Allowance. Provided, that where the organisation provides a suitable meal for the employees, no allowance shall be payable.

4.5 Payment of Wages

Wages shall be paid fortnightly, no later than 4 pm on the Friday of the pay week, by direct credit into a Financial Institution bank account of the employee's choice.

The organisation may deduct from amounts due to an employee such amounts as are authorised in writing by the said employee.

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PART 5 - HOURS OF WORK

The organisation will promote the concept of flexible work arrangement to meet the personal needs and family responsibility of employees. The provisions of this clause are designed to provide employees and the organisation with options to make flexible time a benefit to both parties.

The hours, and days worked by employees shall be determined by the organisation and shall take into consideration the operational needs of the organisation and the special needs of particular employee(s). The hours and days of work determined by the organisation may be changed by mutual agreement between the organisation and an individual employee or the majority of employee(s) concerned.

5.1 Ordinary Hours of Work

The ordinary hours of work shall be no more than thirty-five (35) hours in any week, exclusive of meal breaks.

The days and hours worked and the starting and finishing times will be set by the organisation taking into consideration the travel and family commitments of the employees. The working hours will be conveyed to each employee on commencement.

To meet operational needs employee(s) starting and finishing times may be altered by the organisation but only following consultation with the employee(s) concerned.

5.2 Spread of Hours

The ordinary hours of work prescribed in this agreement may be worked on any of all of the days Monday to Friday between the hours of 6am and 6pm except for meal breaks which will be taken by mutual agreement between the organisation and the majority of the employees concerned.

If it is deemed necessary for an employee to work ordinary hours outside the spread of hours, the employee shall be paid a fifteen percent (15%) loading on all ordinary hours worked outside the spread of hours.

5.3 Overtime

From time to time the organisation may require an employee to work a reasonable amount of overtime. The amount of overtime worked may vary according to work- loads and organisation needs. The working of overtime shall be mutually agreed between the parties.

In the computation of overtime each day shall stand alone. For the purposes of this clause a day shall mean "from the commencement of one ordinary shift to the commencement of the next ordinary shift".

5.3.1 Monday to Saturday

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For all work done outside ordinary hours the rate of pay shall be time and one half for the first two hours and double time thereafter. Such double time shall continue until the completion of the overtime work.

5.3.2 Sundays

For all work done outside ordinary hours the rate of pay shall be double time. Such double time shall continue until the completion of the overtime work.

5.3.3 Holidays

All time worked on public holidays shall be paid as overtime at the rate of double time and one half with a minimum payment of four hours. Such payment shall be in substitution for and not cumulative upon provisions of *Clause 6.6 Public Holidays* of this agreement.

5.4 Meal Breaks

An unpaid meal break of not less than thirty (30) minutes will be taken according to the dictates of work requirements, but no greater than five (5) hours after the normal starting time of an employee. The length of time taken for a meal break may be varied by mutual agreement between the majority of employees and the organisation.

5.5 Overtime Meal Breaks

An employee required to work overtime for more than two (2) hours after or before the employees ordinary ceasing or starting time shall be allowed a paid meal break of twenty (20) minutes at single time. A further twenty (20) minutes meal break at single time shall be taken if the employee works more than six hours overtime. The organisation may require an employee to work during meal breaks to monitor the process in the employees control in which case the employee shall be paid at the rate of time and one half for the period of the break.

5.6 Rest Pause (Morning/Afternoon Tea)

A fifteen-minute sustenance break for morning or afternoon tea will be provided without loss of pay at a time agreed between the organisation and the employees. Such break shall take into consideration the work requirements.

5.7 Alternate Duties

Where, due to unforeseen circumstances or other organisation work demand patterns, an employee cannot be gainfully employed within their normal work site/team, an employee may be required to work temporarily within any other site or division of the organisation. The duties at the other site or division must be commensurate with the employees skills and competencies.

An employee required, to undertake alternate duties will not be financially disadvantaged by the temporary redeployment.

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5.8 Changes to 'Hours of Work'

The hours of work and the way in which work is scheduled may be changed in accordance with the provisions of this agreement. Such agreement shall be in writing.

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PART 6 - LEAVE

6.1 Sick Leave

Employees shall be entitled to ten (10) days sick leave per year on full pay. Such entitlement shall be due on the anniversary of the employee(s) commencement date.

The payment of sick leave shall be subject to the production of a medical certificate or other evidence satisfactory to the organisation (which may include a statutory declaration) following:

- (a) after two (2) single day absences in any year; or
- (b) where an apparent pattern of absenteeism has been observed; or
- (c) two (2) days absence on any occasion; or
- (d) one (1) day before or after a public holiday.

Employees shall inform the organisation where practicable before 9.00am on the day of the absence of such inability to attend for duty and as far as practicable state the nature of the illness and/or injury and the estimated duration of absence.

Where the employee does not notify the organisation of the employee's inability to attend for duty in accordance with this clause the said employee may not be entitled to payment for the first day of such absence.

Any portion of sick leave entitlement not taken in any one year shall be cumulative from year to year.

The payment for any absence on sick leave in accordance with this clause during the first three (3) months of employment of an employee may be withheld by the organisation until the employee completes such three (3) months of employment at which time the payment shall be made.

6.2 Carers Leave

Upon application by an employee leave may be granted for the care of ill or injured immediate family members.

An immediate family member is identified as follows...

- (a) a spouse of the employee
- (b) a de facto spouse who in relation to a person is a person of the opposite sex to the first mentioned person who lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis though not legally married to that person

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- (c) a child or an adult child (including an adopted child, a step child, a foster child or an ex-nuptial child) parent (including a foster parent and legal guardian), grandparent, grandchild or sibling of the employee or spouse or de facto spouse of the employee
- (d) a same sex partner who lives with the employee as the de facto partner of that employee on a bona fide domestic basis
- (e) a relative of the employee who is a member of the same household; where for the purposes of this paragraph
 - (i) 'Relative' means a person related by blood, marriage or affinity
 - (ii) 'Affinity' means a relationship that one spouse because of marriage has to look after relatives of the other
 - (iii) 'Household' means a family group living in the same domestic dwelling.

Leave granted in accordance to this clause shall be paid under the conditions of Sick Leave. (see *Clause 6.1 Sick Leave*).

6.3 Annual Leave

6.3.1 Entitlement

See *Annual Holidays Act, 1944 NSW*

Except where altered to grant additional leave privileges the *Annual Holidays Act, 1944 New South Wales as amended*, shall apply in all respects.

6.3.2 Annual Holiday Loading

An employee shall be entitled and receive a loading of 17.5 per cent of four (4) weeks ordinary wages, calculated on the weekly ordinary rate of pay for the employee. Leave loading, will be payable on all annual leave due, but not on pro-rata annual leave.

If an employees service is terminated by the organisation the said employee shall be entitled to payment of Annual Leave Loading on all leave entitlements including pro-rata leave provided the employee has completed at least six (6) months continuous service with the organisation.

No Annual Holiday Loading payment will be payable for pro-rata annual leave if the employee is terminated pursuant to *Clause 2.7 Summary Dismissal* of this agreement or resigns from the organisation.

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6.3.3 Annual or General Shut Down Periods

Where the organisation determines that due to commercial circumstances there is a need to close or stand down employees, employees may use their Annual Leave entitlement or take special leave without pay during the closure or standing down periods. The organisation will normally close over the Christmas and New Year period.

6.4 Long Service Leave

Long Service Leave shall be in accordance with *the New South Wales Long Service Leave Act, 1955 as amended* and employees eligible to take such leave may apply to the organisation for leave of not less than five working days. The organisation shall not unreasonably refuse approval of an employee's application for leave.

6.5 Bereavement Leave

An employee shall on the death of a spouse, parent, child, step-child, brother, sister, grandparent, grandchild or parent-in-law, be entitled to leave up to and including the day of the funeral. Such leave shall be without deduction of pay, for a period not exceeding the number of hours worked by the employee in three (3) ordinary day's work.

Reasonable proof of such death and relationship shall be furnished by the employee to the organisation if requested.

6.6 Public Holidays

Public Holidays shall be those gazetted as a public holiday throughout the State of New South Wales. These holidays include: New Year's Day, Australia Day, Good Friday, Easter Saturday, Easter Monday, Anzac Day, Queen's Birthday, Labour Day, Christmas Day, Boxing Day and one additional day in substitution of the Union picnic day to be taken during the Christmas and New Year period or any holiday duly proclaimed and observed as a public holiday within the area in which the organisation is situated.

All permanent employees will be granted such holidays without deduction of pay.

6.6.1 Absent Without Leave

An employee absent without notifying the organisation on the day before or the day after any public holiday shall forfeit wages for the day of the absence as well as for the public holiday. Provided that an employee absent either before or after a group of holidays, shall forfeit wages for only one (1) public holiday as well as the period of absence.

Where the organisation is satisfied that the employee's absence was caused through illness or other acceptable reason(s), wages shall not be forfeited for the holiday.

Where an employee is required to work on a public holiday and is absent without a reasonable excuse or without consent of the organisation the employee shall not be entitled to payment for the public holiday.

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6.7 Parental Leave

Parental leave will be in accordance with *Chapter 2, Part 4, Division 1, Parental Leave*, of the *New South Wales Industrial Relations Act 1996*.

6.8 Leave Without Pay

Special leave for a limited period and without pay may be granted by the organisation upon application by an employee. Such leave shall be at the discretion of the organisation.

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PART 7 – ORGANISATION POLICY AND PROCEDURES

7.1 Avoidance of Disputes and Grievance Procedure

To ensure the orderly conduct of and speedy resolution of disagreements, disputes, grievances or occupational health and safety concerns the following Resolution Procedure shall apply.

The object of the procedure is to promote the resolution of issues and disagreements through consultation, co-operation and discussion between employees (or employee representative) and their respective supervisors.

This procedure is based upon the recognition and development of the relationship between supervisors and their employees.

7.1.1 Procedure Principles

The procedure is designed to resolve any disagreement, dispute or occupational health and safety concerns in a fair manner and is based upon the following principles.

- (a) Commitment by the parties to observe procedure. This should be facilitated by the earliest possible advice by one party to the other of any issue or concern, which may give rise to a disagreement or dispute.
- (b) Throughout all stages of this procedure all relevant facts shall be clearly identified and recorded where necessary.
- (c) Realistic time limits shall allow for the completion of the various stages of the discussions.
- (d) Emphasis shall be placed on an in-house settlement of issues brought about through consultation. However, if in-house consultation and negotiation is exhausted without resolution of the disagreement or dispute the parties shall jointly or individually refer the matter to the Australian Industrial Relations Commission for assistance in resolving the dispute.
- (e) To achieve the peaceful resolution of issues the parties shall be committed to avoid stoppages of work, lockouts, or any other bans or limitations on the performance of work whilst the procedure of consultation, negotiation, conciliation and arbitration is being followed.

7.1.2 Dispute or Grievance Resolution Procedure

Stage one

The employee with the issue or concern will discuss the matter with the employee's immediate supervisor.

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The supervisor will set aside time to hear the issue of concern in a private discussion with the employee, the employee's representative and/or a third party observer, and after consideration (48 hours maximum) provide a comprehensive answer to the employee. The issue or concern and the answer provided by the supervisor shall be recorded.

Stage two

In the event of the employee not being satisfied with the answer provided, the employee will advise their supervisor who will arrange a meeting with their Manager and/or Workers Committee (same procedure as Stage one paragraph 2). All relevant facts shall be clearly recorded.

Stage three

In the event that the matter is still not resolved it will be referred to the General Manager.

The same procedure as set out in Stage one and Stage two will be adopted with all relevant facts being clearly recorded.

Stage four

If no negotiated settlement can be achieved and the process is exhausted without the dispute being resolved the parties shall jointly or individually refer the matter to the Australian Industrial Relations Commission for assistance in resolving the dispute. At any meeting convened by the Commission the parties will use their best endeavours to resolve the matter by conciliation. If the matter cannot be settled by conciliation the parties agree to have the matter arbitrated.

7.2 Disciplinary Policy and Procedures

The objective of the disciplinary policy and procedures is to ensure that all matters relating to employees work performance and conduct are dealt with promptly, investigated thoroughly, considered reasonably and handled fairly and consistently and to encourage and improve employee work performance and conduct.

7.2.1 Definitions

Unsatisfactory work performance is the failure to perform the requirements of a position at an acceptable standard or level of competence. Examples of unsatisfactory work performance may include unsafe work practices, excessive absenteeism or lateness, low productivity or inefficiency, negligence or uncooperative behaviour.

Unsatisfactory conduct is failure to observe the organisation's policies and procedures and code of conduct.

Serious Misconduct is a situation, which justifies instant dismissal. For example, the organisation regards the following actions as constituting serious misconduct: falsifying the organisation records, dishonesty, fighting, drunkenness, being under the influence of or in

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possession of alcohol or illegal drugs at work, theft of the organisation's property and wilful refusal of duty.

7.2.2 Unsatisfactory Work Performance or Conduct

In relation to instances of unsatisfactory work performance or conduct the following procedure will be followed:

Step 1: Counselling/Verbal Warning

This is an opportunity to bring the performance or conduct which is unacceptable to the attention of the employee concerned, to establish the reasons for the unacceptable behaviour and to establish whether the organisation can provide any assistance to the employee to avoid it occurring in further instances.

During the initial counselling session the counsellor in the presence of an employee representative or a third party observer should:

- (a) Discuss the unacceptable performance or conduct identified with the employee and outline the standard of work performance or conduct which is required.
- (b) Give the employee an opportunity to respond to the allegations made and provide an explanation. (If the explanation given is justifiable, no further disciplinary action should be taken.)
- (c) Agree on a specific action to be taken to remedy the situation and set a date for review.
- (d) Warn the employee that failure to improve will result in further disciplinary action being taken.

The counselling/disciplinary interview record should be completed and kept on the employee's file.

Step 2: First Written Warning

If by the review date established in the initial counselling session the employee's work performance or conduct has not improved a second interview should be arranged which, may lead to a first written warning being issued.

During the second counselling session the counsellor in the presence of an employee representative or a third party observer should:

- (a) Restate the unsatisfactory work performance or conduct identified.
- (b) Restate the agreed corrective actions identified at the previous session including establishing a date for review.

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- (c) Give the employee an opportunity to defend him/herself against the allegations made (again, if the explanation is satisfactory, no further disciplinary action should be taken).
- (d) If the employee's explanation is not acceptable indicate to the employee that he/she is to be issued with a first written warning.
- (e) Agree on specific action to be taken to remedy the problem and set a date for review.
- (f) Warn the employee that failure to improve will result in further disciplinary action being taken, which could ultimately lead to dismissal.

The counselling/disciplinary interview record should be completed and kept on the employee's file. Once the written warning is completed and authorised by the General Manager or delegated officer, it should be signed by all parties (including witnesses). The employee should be issued a copy in the presence of a witness and informed that it will be entered on his/her record.

Step 3: Final Written Warning

If by the review date established in the second interview session the employee's work performance or conduct has still not improved another interview should be arranged which may lead to a final written warning being issued.

During the third counselling session the counsellor in the presence of an employee representative or a third party observer should:

- (a) Again restate the unsatisfactory work performance or conduct identified and refer to previous interview sessions including the agreed corrective actions and review date set.
- (b) Give the employee an opportunity to defend him/herself against the allegations made. (Again, if the explanation is satisfactory, no further disciplinary action should be taken.)
- (c) If the employee's explanation is not acceptable, indicate to the employee that he/she is to be issued a final written warning.
- (d) Agree on specific action to be taken to remedy the problem and set a date for review.
- (e) Warn the employee that failure to improve will result in dismissal.

The counselling/disciplinary interview record should be completed and kept on the employee's file. Once the final written warning is completed and authorised by the General Manager or another delegated officer, it should be signed by all parties (including witnesses).

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The employee should be issued a copy in the presence of a witness and informed that it will be recorded on his/her record.

Step 4: Termination

If the employee's performance does not improve to an acceptable standard or there is a repeated occurrence of the unacceptable conduct identified a further interview should be arranged, subject to the approval of the General Manager, which will result in the dismissal of the employee.

The interviewer should:

- (a) Advise the employee of the reason for the dismissal.
- (b) Discuss the employee's employment history, including records of prior counselling sessions and or warnings.
- (c) Ensure the employee has had an adequate opportunity to defend him/herself.

The employee must be provided with written advice of the termination of employment with the organisation and the effective time and date. If the employee requests that the reason for termination is given in writing or a certificate of employment identifying the period of employment and duties performed, such documentation should be provided. At all times the employee may have an employee representative or advocate of their choice present.

7.2.3 Serious Misconduct

As soon as an instance of serious misconduct comes to the attention of the General Manager, the following procedure will be followed:

Step 1

Investigate fully all circumstances surrounding the alleged misconduct. This must include interviewing witnesses and reviewing the employee's employment record. Record all information received.

Step 2

If the investigations appear to substantiate the allegations interview the employee(s) concerned with a witness and if requested, parent/carer and/or employee representative or advocate present. Ensure the employee is given clear details of the allegations and given the opportunity to explain or defend him/herself with the assistance of another person, if requested.

Step 3

If the employee's defence or explanation cannot be substantiated or is not acceptable and the serious misconduct substantiated by witnesses justifies termination the termination must be

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communicated to the employee at the time of the termination. Termination for serious misconduct does not require notice or compensation in lieu of notice. Termination without notice must not be proceeded with unless authorised by the General Manager.

Step 4

If requested, the employee should also receive a certificate of employment detailing their period of service and nature of duties performed and a written reason for termination.

7.3 Organisation Policy and Code of Conduct

Employees covered by this agreement agree to conform and abide by the organisations policies, procedures, directions and Code of Conduct as issued and amended from time to time.

7.4 Workers Committees

Consultation and participation are essential to improved workplace relations. The employees shall be fully informed and have input into decision making and appropriate consultative mechanisms shall be established within the organisation.

It is the express intention of the parties to this agreement to maintain effective consultation on matters of mutual interest and concern. It is intended to provide orderly procedures for the examination and negotiation of matters relating to training, productivity, technological change, Occupational Health and Safety and any other matter as determined appropriate.

To this extent the organisation has established the following consultative committees;

- Employees' Representative Committee

Made up of supported employees who are elected representatives of supported employees from each site.

Workers Committee Procedures

The workers committee shall typically include:

- (i) The elected Worker Representatives;
- (ii) The General Manager or delegated officer; and
- (iii) The Vocational Training Officer who will act as secretary.

The Committee shall have a maximum of nine representatives.

The appointment of management representatives will be determined by management and the election/appointment of employee representatives will be determined by the employees.

The group, once established, may invite persons with expertise related to particular issues to be discussed to attend specific meetings.

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The following matters shall form the basis for the work of the committee, which shall seek to reach agreement on the matters and make recommendations to senior management/employees who will take account of the views and the deliberations of the committee;

- (i) Report on and review issues of concern to supported employees and management, including work related concerns, business matters including financial results and emerging issues, social and community matters.
- (ii) To consider the introduction of new or revised safe work methods or work arrangements, and inform the OH&S Committee deliberations in such matters.
- (iii) To report on the committees deliberations to the supported employees through their fortnightly group meeting.

The workers committee shall meet at least every two weeks.

A reasonable time limit shall be placed on the length of meetings. Enough time shall be provided to adequately deal with agenda items. Meetings shall operate on a consensus basis.

The minutes of the meeting shall be circulated at the following employee group meeting. The minutes shall also be placed on the organisation notice board for the information of those employees who choose not to attend the group meeting.

The recommendations made by the committee will assist management in the decision making process.

- Occupational Health & Safety Committee

Made up of supported employees, who are elected representatives of all employees of the organisation at each site and management representatives. The committee shall operate in accordance with the Occupational Health and Safety Act, 2000.

It is agreed and understood the Occupational Health and Safety Committee shall make recommendations to management on matters relating to safety in the workplace.

OH&S Committee Procedures

The O H & S Committee shall typically include;

- (i) 50% employer/employee representation
- (ii) at least one senior management representative.

The Committee shall have a maximum of six representatives.

The appointment of management representatives will be determined by management and the election/appointment of employee representatives will be determined by the employees.

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The group, once established, may invite persons with expertise related to particular issues to be discussed to attend specific meetings.

The following matters shall form the basis for the work of the Committee which will seek to reach agreement on the matters and make recommendations to senior management/employees who will take account of the views and the deliberations of the committee;

- (i) To implement O H & S policy in the workplace,
- (ii) To review the implications and/or impact of the provisions of the O H & S policy on the organisation/employees,
- (iii) To consider the introduction of new or revised safe work methods or work arrangements,
- (iv) To give consideration to the impact of technological change and other significant changes in the organisation or workplace, with regard to O H & S.
- (v) To assess proposed changes in production for possible impacts on safe work methods or work arrangements, employment and skill requirement.
- (vi) To consider other matters raised by committee members which impact on the safety of employees, or the general public.

The committee shall meet at least every two months.

A reasonable time limit shall be placed on the length of meetings. Enough time shall be provided to adequately deal with agenda items. Meetings shall operate on a consensus basis.

The minutes of the meeting shall be circulated to each member of the committee within one week of the meeting, and verified by group members prior to the next meeting. The minutes shall be placed on the organisation notice board for the information of employees.

The recommendations made by the committees will assist management in the decision making process.

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PART 8 - OCCUPATIONAL HEALTH AND SAFETY

8.1 Work Practices

The parties to this agreement agree to recognise the importance of safe working practices. To maintain a safe place of work and to encourage continued improvement in safe systems of work, policy and procedures will be established by the organisation through consultation with employees through the OH&S Committee for the health and safety at work of all employees and visitors.

It is agreed that all employees use and care for any equipment provided for health and safety purposes. This includes personnel protective clothing, hearing protection, and eye protection, where required.

Employees agree to assist the organisation to ensure that increased effort is made to improve the understanding and awareness of safety issues.

8.2 Protective Clothing and Safety Equipment

The organisation shall provide, free of charge to employees, protective clothing and safety equipment in work situations where such provisions may be required under the Occupational Health and Safety Act or associated regulations or organisational policy.

All protective clothing and safety equipment issued shall remain the property of the organisation and shall be returned where required on termination of employment.

Employees engaged in carrying out work for which protective clothing and/or safety equipment is required shall be obliged to wear or use such equipment supplied.

Employees must wear closed footwear when working in all employment environments.

8.3 Worker's Compensation

Workers' compensation shall be in accordance with the New South Wales "Workplace Injury Management and Compensation Act, 1998.

8.4 First Aid

The organisation shall provide and maintain a suitable first aid kit in accordance with the Occupational Health and Safety Regulations 2001, which shall be available to employees and, where practicable a trained first aid person for each work location shall be available to employees.

8.5 Use of Tools

Employees required to use hand/power tools or equipment must only use such tools and/or equipment under direct supervision unless the said employee has received direct instruction

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from his/her supervisor that they may use the tool(s) without supervision. The supervisor when making the direction must ensure that the employee(s) have been appropriately trained and are competent to use the tools and equipment.

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PART 9 - MISCELLANEOUS

9.1 Superannuation

The subject of Superannuation is dealt with extensively by legislation including the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992, the Superannuation Industry Supervision Act 1993, and the Superannuation Resolution of Complaints Act 1993.

The organisation shall provide a superannuation contribution on behalf of each employee as required by the relevant legislation.

Contributions shall be paid into each employee's account of an eligible fund nominated by the organisation.

The organisation shall provide training and assistance to employees in understanding the concept and benefits of Superannuation and the completion of an application form.

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PART 10 – SIGNATORIES TO AGREEMENT

SIGNED FOR AND ON BEHALF OF

SLAS Limited:

Signature:

E. J. Pilkers

Print name and position held:

EUGENE J. PILKERS GENERAL MANAGER

Signature:

Print name and position held:

Dated this 19th day of DECEMBER 2003.

SIGNED FOR AND ON BEHALF OF

The supported employees of SLAS Limited:

Signature:

A. J. Mackenzie

Print name and position held:

ANDREW J. MACKENZIE EMPLOYEE REP.

Signature:

Hilary Tobin

Print name and position held:

HILARY TOBIN EMPLOYEE REP

Dated this 19th day of DECEMBER 2003.

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SCHEDULE "A"

PRO-RATA AWARD BASED WAGE

Pro-rata Award Based Wages in this agreement are designed to remunerate employees in a fair and equitable manner and is based on the acquisition of, and the use of competencies (*skills*) to a standard of performance linked to output (productivity).

The organisations commitment is to ensure that employees are treated industrially in the same manner as an employee without a disability working in open employment. Therefore it is critical that when a pro-rata award wage is determined, it is done by comparing what tasks (skills) relevant to the whole job (award grade) and the level of performance is required by an employee without a disability to be paid the appropriate award wage against the tasks (skills) held and the performance of an employee with a disability and paid under this agreement.

The purpose is to provide an unbiased method of reward for all employees and particularly those employees with disabilities who have medium to high levels of disability and who require medium to high levels of support and close to medium levels of supervision.

The system recognises individual achievements and facilitates opportunities for progression to higher wage levels through the development and acquisition of, tasks competencies, work associated competencies, performance and output (productivity).

A competency based wage system does not provide as a general rule a mechanism for determining the output (productivity) of an employee or a group of employees. The concept of competency standard assessment establishes the skill (knowledge) and the ability of an employee to undertake particular tasks. The wage assessment model contained in this agreement provides a mechanism for determining wages based on competency, performance and output (productivity).

When determining a Pro-rata Award wage it is imperative the organisation compare the skill, or indicative tasks required to be undertaken by an employee covered by the award and remunerated accordingly against the ability of a person with a disability to undertake the same tasks at the same level of performance. Additional to this comparison is the prerequisite of the organisation to take into consideration the provision of additional support to people with a disability that would not be required to an employee in an open employment environment.

Those additional services include:

- Higher levels of supervision
- Higher degree of focused training
- Behavioural Management

Within the pro-rata award based system there are three distinct areas of work performance and assessment to be undertaken (*see Schedule "C" for Assessment Process*). They are:

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1. **Task Competencies** – Specific set of skills undertaken, to directly complete a whole job.
2. **Work Associated Competencies** – General vocational skills (referred to as “**CORE SKILLS**”) necessary to maintain successful employment. These skills for people with a disability include punctuality, working consistently and team work. The need for work associated competencies is a determining factor of a supported employee’s wages. It is also a key factor for employees with a disability to have a mix of social, work behaviour and vocational skills to successfully proceed to open and/or self-employment opportunities.
3. **Performance** – For people with a disability this is generally measured against levels of outputs generated by peers undertaking similar tasks, opposed to the more traditional measures of performance for people without a disability, which are measured against pre-determined outputs (productivity) established by management. Productivity includes specific tasks, in the control of employees, with measurable levels of output.

Performance measures, are those specific tasks which have measurable levels of output and on which, employees can have a direct impact on the outcomes.

The competencies required by an employee to complete a task at the required level of performance are contained in **SCHEDULE “B” Job Models/Skills Matrix**.

The percentage of Award wages contained in the table below represents the average output levels benchmarked by a group of employees with similar skills and performance. It is calculated by the measurement of the performance of those employees with the skills at the respective levels, against the performance measures set by the organisation and able to be achieved by an employee without a disability.

The Pro-rata Award Based Wage Structure in this agreement is the basis for the provision of minimum rates of pay and is determined by a comparison of individual competencies (skills) contained in **SCHEDULE “B” Skills Matrix/Job Models**, and the skills required by an employee covered by an award relevant to the type of work undertaken.

This structure is the first stage of a three-step wages continuum towards open and/or self-employment. The three stages are:

- Pro-rata Award Based Wages (*Working in Business Services*)
- Supported Wage System (SWS) (*Working with host employers*)
- Award Wages (*Open and/or self employment*)

This enables effective goals for all participants to be set in conjunction with the Career Plan (CP) process and facilitates clear career paths available and identifies training deficiencies and needs for all employees.

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SUPPORTED EMPLOYEE'S WAGE STRUCTURE

The minimum wage rates contained in the table below refer to the wage rates for a week comprising thirty five (35) hours work. The Agreement Pro-rata Award Weekly Rate is calculated as follows: (Award Grade, Weekly Rate ÷ 38 x 35 x performance percentage (refer to *Schedule "D"*) = Agreement Pro-rata Award Weekly Rate)

Wage Level	Skill Level Competencies Required	Award Weekly Rate \$	% of Award Rate \$	Agreement Pro-rata Award Weekly Rate \$	Agreement Hourly Rate \$
Entry Level.	<i>New Starter or High Support Needs</i> <ul style="list-style-type: none"> • Employee has very limited skill levels. • Employee is unable to obtain any measurable productivity. • Undertaking training to gain general vocational skills • Requires one on one supervision. • Being assessed to measure ability to move to Level 1. 	448.40	10.2%	40.25	1.15
A	<ul style="list-style-type: none"> • Refer to SCHEDULE "B" Skills Matrix/Job Models. 	448.40	12.0%	49.70	1.42
B	<ul style="list-style-type: none"> • Refer to SCHEDULE "B" Skills Matrix/Job Models. 	448.40	13.8%	57.40	1.64
C	<ul style="list-style-type: none"> • Refer to SCHEDULE "B" Skills Matrix/Job Models. 	448.40	16.9%	70.00	2.00
D	<ul style="list-style-type: none"> • Refer to SCHEDULE "B" Skills Matrix/Job Models. 	448.40	26.6%	109.90	3.14
E	<ul style="list-style-type: none"> • Refer to SCHEDULE "B" Skills Matrix/Job Models. 	448.40	35.6%	147.00	4.20
F	Performance Based Wage Level <ul style="list-style-type: none"> • Refer to SCHEDULE "B" Skills Matrix/Job Models. 	448.40	12.0% to 100%	49.70 to 448.40	1.42 to 11.80

The Performance Based Wage Level F contained in the above structure is for those employees assessed in accordance with *Clause 4.2* and having well above average performance measured against the respective skill level contained in **SCHEDULE "B"**.

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Those employees assessed in accordance with *Clause 4.2* at having a higher level of performance than that required at their respective Level may be paid a wage in accordance with the range contained at Level F.

Award Weekly Wage refers to Grade One contained in the Australian Liquor, Hospitality & Miscellaneous Workers Union Supported Employment (Business Enterprises) Award 2001.

ALLOWANCES

ALLOWANCE	AMOUNT
Shift Allowance <i>(Ordinary hours worked outside 6.00am and 6.00pm)</i> <i>(refer: Clause 5.2)</i>	15% loading on all ordinary hours worked.
Meal Allowance	\$ 9.10 per meal.

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SCHEDULE "B"

SKILLS MATRIX AND JOB MODELS

SUPPORTED EMPLOYEES

It is agreed this document is a working document and may be changed by the organisation but only following consultation with employees, during the life of the agreement to meet changes in the way work is done and/or the introduction of new or altered processes or Job Streams.

The unit of competencies contained in the skills matrix are enterprise specific competencies and represent the units of skill required by employees at each level of the structure. Each unit of skills has individual elements and performance criteria, which must be referred to when assessing if an employee is competent in the skill.

During the life of the agreement the competencies may be expanded and further defined to enable all parties to have a clearer understanding of the skill requirements, employee performance and output (productivity) levels of each job model. The aim of the organisation is to create a wage assessment model which rewards an employee according to the acquisition and utilisation of competencies with components directly related to performance and output (productivity).

NOTE:

1. Employees must obtain all "Core Skills" at each grade, up to the grade of their particular job model.
2. Employees must obtain all the skills of the lower grades in each job STREAM plus any other skills of other streams as required before progressing to a higher grade.
3. Employees must remain on their transitional grade for a minimum of 12 twelve weeks to allow for an assessment for re-grading to be conducted.

WORK GROUP	CORE SKILLS (All persons must attain) (these skills)	PACKING AND ASSEMBLY	MOWING CREW
INDIVIDUAL PERFORMANCE LEVEL F	PERFORMANCE BASED WAGE LEVEL -- Assessment at this level is based on individual performance and is at the discretion of the organisation. The level is specifically designed to provide a mechanism for employees with minimum skill levels but high output (productivity) levels to be adequately remunerated.		

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WORK GROUP	CORE SKILLS (All persons must attain) (these skills)	PACKING AND ASSEMBLY		MOWING CREW	
		Unit of Competency	KPI	Unit of Competency	KPI
LEVEL E	<ul style="list-style-type: none"> ○ COR21 – Workplace Numeracy. ○ COR22 – Workplace Literacy. ○ COR15 – Contribute to Health and Safety of the Workplace. 	<ul style="list-style-type: none"> ○ P&A19 Use of Forklift ○ P&A 20 Store and distribute materials and components. 	<ul style="list-style-type: none"> ○ Safe operation of forklift in all whether without damage to customer goods or property. ○ Can monitor and report on stock levels before there is an urgent need for stock. ○ Can read and complete any workplace documentation and explain this to relevant people. ○ Can read and interpret numbers from dials, digital displays, weights, money etc ○ Can interpret maps and diagrams and apply them to the job. ○ Can identify safety hazards and take steps to prevent injury or incident. 	<ul style="list-style-type: none"> ○ MC 12- Use of motor vehicle ○ MC 13- Use of ride on mower ○ MC 14- Use of chainsaw ○ MC 15- Understanding maps/diagrams. 	<ul style="list-style-type: none"> ○ Complete use of ride on mower. ○ Complete and safe use of chainsaw (unsupervised) ○ Can organise team to complete complex and varied tasks. ○ Can respond to customer problems or requests. ○ Can drive a motor vehicle. ○ Can read and interpret basic maps or instructions manuals.

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WORK GROUP	CORE SKILLS (All persons must attain) (these skills)	PACKING AND ASSEMBLY		MOWING CREW	
		Unit of Competency	KPI	Unit of Competency	KPI
LEVEL D	<ul style="list-style-type: none"> ○ COR11 – Basic problem solving. ○ COR12 – Follow an established schedule. ○ COR13 – Plan and organise own work. ○ COR14 – Using own workspace. 	<ul style="list-style-type: none"> ○ P&A16 Record Production information ○ P&A17 Carry out Basic Maintenance ○ P&A18 Provide Customer assistance 	<ul style="list-style-type: none"> ○ Can record production information using Jobsheets and delivery dockets for any given job. ○ Can work out what action needs to be taken to keep machines functioning. (This may include fixing it or calling a technician) ○ Communicates appropriately to customers all the time. ○ Can identify problems and take the necessary steps to fix the problem for themselves and for co-workers. ○ Can respond to customer problems or requests politely. ○ Safe use of skin packer to complete jobs for customer to their criteria. ○ Safe use of soldering iron including the judging of how long the iron is to be applied to individual products without damaging product. ○ Is able to set up a workstation for themselves and others. ○ Demonstrates understanding of production sequence for the production unit and the associated responsibilities of each team member. 	<ul style="list-style-type: none"> ○ MC 10 -First Aid ○ MC 11- Co-ordinate team members. 	<ul style="list-style-type: none"> ○ Basic First Aid knowledge. ○ Performs tasks using initiative. ○ Can complete a range of tasks to customer requirements. ○ Ability to supervise other team members. ○ Can identify and correct mistakes of others.

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WORK GROUP	CORE SKILLS (All persons must attain) (these skills)	PACKING AND ASSEMBLY	MOWING CREW
	Unit of Competency	KPI	Unit of Competency
LEVEL C	<ul style="list-style-type: none"> ○ COR09 – Participate in a team to achieve given tasks. ○ COR10 – Take responsibility for own work. ○ COR18 – Contribute to Quality Control. 	<ul style="list-style-type: none"> ○ P&A13 Collating ○ P&A 14 Despatch Stock ○ P&A15 Use measuring devices 	<ul style="list-style-type: none"> ○ MC-06 Demonstrates problem solving abilities. ○ MC 07- Use of edger ○ MC 08- Use of Whipper Snipper. ○ MC 09- Use of hedge trimmer
		<ul style="list-style-type: none"> ○ Arrange items in the right sequence without excessive delay or confusion. ○ Prepare job for delivery or pick up including all paperwork. (This includes doing a final count and completing the Jobsheet for the job and the delivery docket and booking the job out in the Goods outwards book). ○ Can load or give instructions on how job is to be loaded or delivered. ○ Use of shrink wrapper- to customer specification eg without holes in plastic or seams showing. ○ Safe operation of belt grinder without damage to product. ○ Can set up and read measuring devices eg electric scales ○ Checks work completed by co-workers as necessary. ○ Works consistently without supervision ○ Makes basic decisions for team/work section. ○ Demonstrates the ability to solve basic team problems or notifies relevant staff as necessary. 	<ul style="list-style-type: none"> ○ Performs more than one step tasks. ○ Performs tasks requiring precision. ○ Ability to check own work and correct any errors. ○ Can recognise markers and read dial etc ○ Can use hedge trimmer to cut hedges to customer requirement.

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WORK GROUP	CORE SKILLS (All persons must attain) (these skills)	PACKING AND ASSEMBLY		MOWING CREW	
		Unit of Competency	KPI	Unit of Competency	KPI
LEVEL B	<ul style="list-style-type: none"> ◆ COR06 – Staying on the Job. ◆ COR07 – Making choices at work. ◆ COR19 – Basic workplace numeracy. ◆ COR20 – Basic workplace literacy. 	<ul style="list-style-type: none"> ○ P&A09 Handle Materials Manually ○ P&A 10 Handle Materials using Equipment • P&A11 Use air tools • P&A 12 Use power tools 	<ul style="list-style-type: none"> • Can work out the safest method of moving/handling materials. • Uses trolleys/lifting aids where necessary. • Safe use of pallet jack • Safely use air tool as required eg pop riveter. • Safe use of power tools. • Remembers instruction from day to day. • Produces consistent work quality and productivity rate over workday. • Makes basic decisions regarding own work. • Can recognise and read familiar words/labels/signs. • Can count to 10. 	<ul style="list-style-type: none"> ○ MC 04- Use of hand mower ○ MC-05- Use of blower 	<ul style="list-style-type: none"> ○ Performs work to simple routines without constant supervision. ○ Ability to use whipper snipper (supervised) ○ Ability to fully use hand mower. ○ Ability to mow in straight lines. ○ Can recognise when mower blade height needs to be adjusted. ○ Ability to fully use blower. ○ Ability to use edger (supervised) ○ Can recognise when equipment needs to be refuelled and refill them.

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WORK GROUP	CORE SKILLS (All persons must attain) (these skills)	PACKING AND ASSEMBLY		MOWING CREW	
		Unit of Competency	KPI	Unit of Competency	KPI
LEVEL A	<ul style="list-style-type: none"> ◆ COR01 – Basic Communication Skills. ◆ COR02 – Workplace Communication. ◆ COR03 – Work Co-operatively with others. ◆ COR04 – Understand Personal Health and Hygiene Requirements of the Job. ○ COR05 – Maintain Personal Health and Hygiene. ○ COR08 – Participate in a Team. ○ COR16 – Implement Emergency Procedures. ○ COR17 – Cleaning tasks. 	<ul style="list-style-type: none"> ○ P&A 03- Set up for packaging and assembly jobs. ○ P&A04 – Cleaning Tasks • P&A05- Packaging • P&A 06- Heat Sealing Packets. • P&A 07 Folding taping and labelling. ○ P&A 08 Use Hand tools 	<ul style="list-style-type: none"> • Identifies correct materials needed for the assembly/disassembly of job. • Arrange materials on work area ready for assembly/disassembly. • Prepare a sample to be copied if needed. • Can clean area/item to standard required. • Packs item(s) to sample • Identifies and fixes mistakes. • Can seal packet to instruction using pedal sealer. • Can follow instructions for folding taping and labelling to complete job. • Notice fix or report problems with finished item. • Ability to use hand tool safely as required eg screwdriver, pliers or stanley knife. • Ability to use guillotine. • Demonstrates positive interaction with co-workers. • Follows basic safety procedures. • Dresses appropriately for work and is clean and tidy. • Expresses own needs clearly to relevant staff. 	<ul style="list-style-type: none"> ○ MC 03 -Yard cleaning ○ MC02- Following instruction ○ MC01- Use of manual gardening tools. 	<ul style="list-style-type: none"> ○ Ability to perform basic one step tasks using established routines. ○ Ability to work as part of a team. ○ Basic operation of hand mower. ○ Basic operation of blower. ○ Performs weeding and rubbish collection tasks. ○ Ability to follow simple instructions. ○ Has basic knowledge of safety rules and remembers to wear protective clothing or equipment.

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WORK GROUP	CORE SKILLS (All persons must attain) (these skills)	PACKING AND ASSEMBLY		MOWING CREW	
		Unit of Competency	KPI	Unit of Competency	KPI
ENTRY LEVEL New Starter or High Support Needs	<ul style="list-style-type: none"> ◆ Employee has very limited skill levels. ◆ Employee is unable to obtain any measurable productivity. ◆ Undertaking training to gain general vocational skills. ◆ Requires one on one supervision. <ul style="list-style-type: none"> ○ Being assessed to measure ability to move to Level A. 	<ul style="list-style-type: none"> • P&A 01 Packing Bags • P&A 02 Basic Assembly/Disassembly 	<ul style="list-style-type: none"> • Put correct item(s) into bag as to sample. • Be able to correctly identify and fix when items are placed in bag incorrectly. • Assemble item/job correctly following instructions given and by copying sample. • Disassemble items/job correctly following instructions given and by copying sample. • Identify mistakes and fix or report to relevant supervisor. • Appears in work area on time. • Works without unnecessary breaks. • Behaves in an appropriate work manner. 		<ul style="list-style-type: none"> ○ Employee needs constant supervision and instruction to complete any given task. ○ Is able to use broom, rake and shovel under instruction. ○ Can perform limited tidying or clean up routines.

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SCHEDULE "C"

SKILLS ASSESSMENT

All employees will be assessed against the competencies (*skills*) contained in **SCHEDULE "B" Skills Matrix / Job Models** of the agreement. The assessment will be conducted during the first six months of the term of the agreement. Prior to the assessment being conducted each employee will be placed onto the most appropriate transitional level pending the outcome of the assessment. The employee(s) transitional level will be established taking into consideration the employees' current skills and wage, against the skills and wage levels contained in the agreement.

Assessment in a Competency-Based System

Assessment in a competency-based system is the assessment of a person's competency (*skill*) against prescribed standards of performance. The key concepts are *competency* and *assessment*. Both *competency* and *assessment* have the standard meanings as those described by the National Training Board.

Definition of Competency

Competency comprises the specification of knowledge and skill and the application of that knowledge and skill to the standard of performance required in employment. The concept of competency includes all aspects of work performance. This includes:

- Performance at an acceptable level of technical skill;
- Performance to an acceptable level of output (*productivity*);
- Organising one's tasks;
- Responding and reacting appropriately when things go wrong;
- Fulfilling a role in the scheme of things at work; and
- Transfer of skills and knowledge to new situations.

Definition of Assessment

Assessment is the process of collecting evidence and making judgement on the extent and nature of progress towards the performance requirements set out in a standard or learning outcome. Assessment in a competency-based system is the process determining whether a employee meets the prescribed standard of performance, i.e. whether they demonstrate the competency level required at each level within the competency structure, (*Skills Matrix/Job Models*) Schedule "B".

Evidence

Evidence comprises a wide range of measurable aspects of performance. These include:

- Measurements of products made or services delivered;

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- Use expertise to make judgements;
- Ensure that standards have been met; and
- Ensure that evidence of competency is sufficient.

Assessors should be aware of the importance for assessments being unbiased, fair and flexible.

Assessor Competency Standards

Competency Unit	Competency Element
Plan assessment	<ul style="list-style-type: none"> • Identify assessment context. • Establish evidence required. • Select and explain the assessment procedure.
Carry out Assessment	<ul style="list-style-type: none"> • Gather evidence. • Make the Assessment decision. • Provide feedback during assessment.
Record assessment results and review the procedure.	<ul style="list-style-type: none"> • Record assessment results. • Provide feedback to employee being assessed. • Review the procedure.

The results of assessments will be reviewed by the Organisation's Workplace Assessment Panel which will comprise the Business Manager for the employee's Department, the Assessor, the employee's Vocational Training Officer and the Chief Executive Officer.

Employee(s) may, appeal a decision of the Workplace Assessment Panel regarding the assessment or the assessment process. Such appeal shall be in accordance with *Clause 7.1 Avoidance of Disputes Procedure* of the agreement.

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SCHEDULE "D"

**WAGE ASSESSMENT TOOL
PRO-RATA AWARD BASED WAGES**

The organisation when assessing Pro-rata Award Based Wages for people with a disability recognises the dual focus of the business, which is to:

- (a) Provide, employment opportunities for people with a disability; and
- (b) Operate a commercially viable business.

The organisation also recognises the difference between the terms performance and productivity.

Performance - In a skills based structure the performance of an employee is measured against the skills the employee holds and utilises and how well the employee performs those skills to produce an output.

Productivity – Productivity is the measure of a process which may have a number of contributing factors, of which some may be outside the control of employees. It is generally measured against pre-determined expectations established by management taking into consideration all relevant inputs. (*refer: Multi-factor Productivity Measure, of this Schedule*)

COMPLIANCE WITH RELEVANT STANDARDS

In establishing wage outcomes the organisation must work within the framework determined by the funding body, the Commonwealth Department of Family and Community Services, and the Disability Service Standards. (*refer: Disability Services (Disability Employment and Rehabilitation Program) Standards 2002*)

The relevant standard for employment conditions and wage outcomes is:

STANDARD 9 – Employment Conditions

“Each person with a disability enjoys working conditions comparable to those of the general workforce”

To meet this standard the organisation must also comply with the Department of Family and Community Service, Quality Assurance System. The system sets Key Performance Indicators (KPI's) for each Standard. The relevant KPI for wages is KPI 9.1 which states:

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KPI 9.1

"The service provider ensures that people with a disability, placed in open or supported employment receive wages according to the relevant award, order or industrial agreement (if any) (consistent with legislation). A wage must not have been reduced, or be reduced, because of award exemptions or incapacity to pay or similar reasons and, if a person is unable to work at full productive capacity due to disability, the service provider is to ensure that pro-rata wages based on an award, order or industrial agreement is paid. This pro-rata wage must be determined through a transparent assessment tool process, such as the Supported Wage System (SWS), or tools that comply with the criteria referred to in the Guide for Good Wage Determination including:

- *compliance with relevant legislation;*
- *validity;*
- *reliability;*
- *wage outcomes; and*
- *practical application of the tool"*

ESTABLISHING WAGE OUTCOMES

There are three primary criteria used in this agreement for establishing wage outcomes for people with a disability. They are:

1. The competence of the employee (skills held and utilised);
2. Behavioural matters including;
 - a) Level of supervision provided,
 - b) The ability to be trained and level of training required,
 - c) Personal behavioural attributes.
3. Performance (measured output) benchmarked against a group of employees of similar skill and performance.

Each criteria is weighted (indexed) relevant to its importance and the impact it has on the overall performance (measured output) of the employee's work stream.

WAGE ASSESSMENT TOOL

When applying criteria (1) the organisation will undertake a comparison between the Award Grade indicative tasks (the whole job) to be undertaken and level of skill required by an employee without a disability at the grade relevant to the type of work performed and an employee with a disability covered by this agreement performing similar work.

In making the comparison the organisation will identify:

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- (a) each indicative task (*part of the whole job*) undertaken by the employee(s). There may be a number of indicative tasks associated with the performance of the whole job; and
- (b) the skills held and utilized by employee(s) at each level (*refer: SCHEDULE "B" Skills Matrix/Job Models*), Core skills plus Tasks skills.

Assessment Measure % of Award Wage

The percentage of an award wage is calculated as follows:

- (1) identify the indicative tasks of the relevant award grade and compare the skills held by employees against those tasks.
- (2) establish weightings of each indicative task relevant to their importance in the performance of all the indicative tasks required to complete the whole job.
- (3) determine the additional levels of supervision, training and behavioral management required of each employee against that that would be required for an employee without a disability doing similar work and apply the pre-determined weighting to the equation.
- (4) Establish the performance (measured output) of each employee and compare against the average of all the employees doing similar work with similar skills, and apply the predetermined weightings.
- (5) calculate a cost per task output for a person with a disability performing single or multiple tasks associated with a job, compared to an able body employee for completion of the whole range of task associated with a job.

(the cost per task output for an able body person is the accepted cost within an open employment environment within each industry or stream of work. This is normally converted to a cost per man hour equation)

By comparing the dollar value of the award when applying the percentage established in 1 – 4 above with the cost per man hour equation contained in 5 above the organization can verify the employee is being paid the appropriate wage.

Example: (a simple general analysis of the process)

Award to be compared – Storeman and Packers General (State) Award

Award Classification – Storeman and Packer Grade One

Award Wage - \$ 487.70

Employee Name: xxxxxxxxxxxx

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Award Grade Indicative Tasks (refer to relevant award)	Can Employee Perform Task	Support, Behavioral and Productivity Levels	% Weighting
General Labouring and cleaning	Yes		30
Order assembling (Picking stock)	Yes		20
Receiving, checking, dispatching and sorting of products	No		10
Satisfying internal and external customer needs.	No		5
Operate keyboard to carry out stores work.	No		10
Documenting and recording of goods, materials and components.	No		10
Basic inventory control.	No		5
Use of hand trolleys and pallet trucks.	No		10
Level of Supervision		1	-20
Level of Training Required		2	-10
Behavioral Management		2	-5
Performance		2	0
PERCENTAGE OF AWARD WAGE			15%

Employees wage calculated at 15% of award wage of \$487.70 = **\$ 73.15**

Level of Supervision weighting

- 1 = High (minus 20% weighting)
- 2 = Medium (minus 10% weighting)
- 3 = Low (minus 0% weighting)

Level of training required

- 1 = High (minus 20% weighting)
- 2 = Medium (minus 10% weighting)
- 3 = Low (minus 0% weighting)

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Behavioral Management

- 1 = High (minus 10% weighting)
- 2 = Medium (minus 5% weighting)
- 3 = Low (minus 0% weighting)

Performance (Measured Output)

- 1 = Below average output (minus 5% weighting)
- 2 = Average output (0% weighting)
- 3 = Above average output (plus 5% weighting)

(these weightings may be changed by the organization depending on the skill mix of employees and the level of disability of the employees)

PERCENTAGE RELATIONSHIP TO SCHEDULE'S "A" AND "B"

The assessment measure percentage of the award wage for each employee is grouped (or broad banded) and benchmarked into the level structure contained in **SCHEDULE "A"**. These levels are consistent with the skills and performance required by an employee at each level contained in **SCHEDULE "B"**.

Each employee is placed into the most appropriate wage level within the percentage range of each level and paid the benchmarked rate.

MULTI-FACTOR PRODUCTIVITY MEASURE

To measure productivity of each stream of work and/or the organisation as a whole effectively, it is necessary to consider all relevant inputs. This produces a multi-factor productivity measure and is demonstrated by the following equation:

$$\text{Productivity} = \frac{\text{Goods and Services (Sales)}}{\text{Labour + Energy + Materials + Capital (Cost of goods sold)}}$$

Therefore: To increase productivity the organisation must either increase Sales or reduce the Cost of goods sold.

Labour costs in Business Services includes all those extraordinary cost associated with the employment of people with a disability, including supervision, training, labour down time and behaviour etc. and should be offset against the funding received from the funding body for the purpose of employing people with a disability.

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**DEPARTMENT OF FAMILY AND COMMUNITY SERVICE
ASSESSMENT TOOL**

The Commonwealth Department of Family and Community Service are in the process of developing an appropriate Pro-rata Award Based Wage assessment tool for Business Services. The tool when implemented will meet the requirements of KPI 9.1.

The organisation and employees may agree to adopt this assessment tool when developed for employees covered by this agreement, provided:

- (a) the employees are not disadvantaged when implemented against the wage assessment process contained in this agreement; and
- (b) the introduction of the assessment tool does not compromise the dual focus of the business. (refer to paragraph (1)(a) and (b) of this schedule.



Employment Conditions (Industries) Procedure

1.0 PURPOSE

- To outline the employment conditions for Supported Employees which are not covered by the Supported Employment Services Award 2010.
- To ensure compliance with the Disability Service Standards
- To ensure Supported Employees enjoy work conditions comparable to those in the general workforce.

2.0 SCOPE

This procedure covers all sites/ programs within the Industries Division of Civic Disability Services and relates specifically to Supported Employees under the Supported Employment Services Award 2010.

3.0 RESPONSIBILITIES

3.1 HR Department will coordinate in conjunction with the General Manager, Employment Support Officer and Team Leader who are all responsible for ensuring wage assessments are completed as per this procedure and the Supported Employment Services Award.

4.0 PROCEDURE

4.1 Level Structure (Classifications)

4.1.1 Refer to Appendix B – Skills/ Matrix/ Job Models for the level structure (classifications) and required skills and competencies

4.1.2 Skills Matrix/ Job Models

- 4.1.2.1 Job Models have been developed through consultation and an assessment process with Supported Employees and reflects all tasks to be undertaken within Civic.
- 4.1.2.2 Each Job Model has been assessed relevant to the skills required and placed within the pay Level Structure contained in Appendix A – Pro Rata Award Based Wages
- 4.1.2.3 Each Job Model has specific identified skills (competencies) which a Supported Employee must have before they are eligible to be appointed to the Job Model level and paid as such.

4.1.3 Skills Assessment

4.1.3.1 All Supported Employees will be assessed against the competencies contained in Appendix B – Skills Matrix/ Job Models.



Employment Conditions (Industries) Procedure

4.1.3.2 The assessment system and process will be in accordance with the procedures contained in Supported Employment Services Award 2010

4.2 Skills Development

4.2.1 Civic is committed to providing flexible working arrangements, improving the quality of working life, enhancing skills and job satisfaction and assisting positively in the development of Supported Employees.

4.2.2 Civic is committed to:

- Developing a more skilled and flexible workforce
- Providing Supported Employees with career opportunities through appropriate paid training
- Encouraging Supported Employees to acquire additional skills
- Removing barriers to the utilisation of skills acquired
- Assisting in the training of new and existing Supported Employees to enable them to gain the skills necessary to carry out their assigned tasks and to progress through the levels structure

4.2.3 Every Supported Employee, will be given the opportunity to undertake training subject to:

- The requirements to maintain productivity levels
 - The ability of Supported Employees to be trained
 - The skills needed within Civic
 - The financial constraints of Civic
 - The requirements of the Disability Service Standards.
- Refer to Staff Development Procedure

4.2.4 Civic will endeavour to provide Supported Employees with career opportunities linked to their ability to obtain and maintain the required levels of skill (competence) in line with the Job Models. Training and assessment programs will be structured to meet all current legislative and National Training Board framework requirements.

4.3 Progression to Higher Level

4.3.1 It is agreed that the levels structure encourages Supported Employees to obtain additional skills to progress to a higher level.



Employment Conditions (Industries) Procedure

- 4.3.2 A Supported Employee must have obtained the required skills nominated within Appendix B – Job Models at their current level and at a higher level before advancing to that higher level.
- 4.3.3 Progression through the levels structure is dependent upon the capability of the Supported Employee and the needs of Civic to fill a position at a higher level.

4.4 Adjustment to a Lower Level

- 4.4.1 It is understood that some Supported Employees may be assessed during a Career Plan to have lost or not maintained skills required at their current level. In this situation Civic may adjust the Supported Employee to a lower level more comparable to the Supported Employee's current skill, ability and productivity, however their wages will not be reduced.
- 4.4.2 Any decision to adjust a Supported Employee to a lower level shall be determined by Civic in consultation with the Supported Employee, and/ or their parent/ guardian, advocate and/ or an independent representative.

4.5 Performance Based Wages Level F

- 4.5.1 Civic and Supported Employees agree the ability to utilise skills possessed to a higher level of performance and productivity is fundamental to increase in remuneration.
- 4.5.2 Civic recognises the work performance of individual Supported Employees and commitment to increase performance, productivity and their level of skill.
- 4.5.3 Level F contained in Appendix A provides a mechanism for Supported Employees to achieve increases in remuneration based on increases in productivity and performance.
- 4.5.4 Supported Employees who have progressed to Level E of the wage structure or are recognised by Civic to be performing at a higher level of productivity (output) than their current level may be assessed in accordance with competency requirements.
 - The assessment will assess the level of skill, performance and productivity of the employee against predetermined criteria. Such criteria shall include but is not limited to:
 - Leadership skills
 - Overall work performance
 - Productivity (output)
 - Formal qualifications



Employment Conditions (Industries) Procedure

- Level of skill obtained
- Adaptability
- Initiative
- Behavioural competencies
- Following assessment a wage rate will be determined by Civic within the wage range contained in Level F

4.6 Payment of Wages

- 4.6.1 Wages shall be paid fortnightly no later than 4pm on the Friday of the pay week by direct deposit into the Supported Employee's choice of bank account.
- 4.6.2 The Civic Payroll Officer is responsible for payment of wages for Supported Employees.

4.7 Hours of Work

- 4.7.1 Civic will promote the concept of flexible work arrangements to meet the personal needs and family responsibilities of the employee.
- 4.7.2 The hours and days worked shall be determined by Civic and shall take into consideration the operational needs of Civic and the special needs of particular employee/s.
- 4.7.3 The hours and days of work determined by Civic may be changed by mutual agreement.
- 4.7.4 Ordinary hours of work shall be no more than 37.5 hours in any week exclusive of meal breaks.

4.8 Alternate Duties

- 4.8.1 Where, due to unforeseen circumstances or other Civic work demand patterns a Supported Employee cannot be gainfully employed within their normal work site/ team, they may be required to work temporarily within any other site or division of Civic.
- 4.8.2 The duties at the other site/ division must be commensurate with the Supported Employee's skills and competencies.

Procedure: This procedure relates to	
Standards or other external requirements	National Standards for Disability Services NSW Disability Service Standards



Employment Conditions (Industries) Procedure

	ISO 9001-2015: Quality Management Operational Guidelines- Disability Employment Assistance v8.2 Disability Maintenance Instrument Guidelines v6.3
Legislation or other requirements	Supported Employment Services Award 2010

Reviewing and approving reviews of this procedure	
Document Owner	Human Resources
Authorised Approver	General Manager HR

Documents related to this policy	
Related policies	Privacy
Related procedures	Staff Development Maintenance of Individual Needs and Employment Support Service Access Managing the FaHCSIA Online Funding Management System (FOFMS)
Forms, record keeping or other organisational documents	Work Associated Competencies Assessment Job Register



Employment Conditions (Industries) Procedure

APPENDIX A – PRO RATA AWARD BASED WAGES

Pro rata award based wages are designed to remunerate Supported Employees in a fair and equitable manner and is based on the acquisition of and the use of competencies (skills) to a standard of performance linked to output (productivity)

Civic is committed to ensuring that employees are treated (industrially) in the same manner as an employee without a disability working in open employment. Therefore it is critical that when a pro rata award wage is determined, it is done by comparing what tasks (skills) relevant to the whole job (award grade) and the level of productivity is required by an employee without a disability to be paid the appropriate award wage against the tasks (skills) held and the productivity of an employee with a disability.

The purpose is to provide an unbiased method of reward for all Supported Employees and particularly those who have medium to high levels of disability and who require medium to high levels of support and supervision.

The system recognises individual achievements and facilitates opportunities for progression to higher wage levels through the development and acquisition of, tasks competencies, work associated competencies and output (productivity).

A competency based wage system does not provide as a general rule a mechanism for deterring the output (productivity) of an employee or group of employees. The concept of competency standard assessment establishes the skill (knowledge) and the ability of an employee to undertake particular tasks.

When determining a pro rata award based wage it is imperative Civic compares the skill or indicative tasks required to be undertaken and remunerated accordingly against the ability of a person with a disability to undertake the same tasks at the same level of output and paid a pro rata wage. Additionally is the prerequisite of Civic to take into consideration the provision of additional support to people with a disability that would not be required to an employee in an open employment environment. Those additional services include: higher levels of supervision, higher degree of focused training and behavioural management.

There are 4 distinct areas of work performance and assessment (within the pro rata award based system. They are:

1. Task Competencies – specific set of skills undertaken to directly complete a whole job



Employment Conditions (Industries) Procedure

2. Work Associated Competencies – general vocational skills (referred to as Core Skills) necessary to maintain successful employment
3. Behavioural management – these skills for people with a disability include punctuality, working consistently and team work. The need for work associated competencies and behavioural management is a determining factor of a Supported Employee's wage. It is also a key factor to have a mix of social, work behaviour and vocational skills to successfully proceed to open and/ or self employment opportunities
4. Output (productivity) – for people with a disability these are generally measured against levels of output generated by peers undertaking similar tasks, opposed to the more traditional measures of productivity for people without a disability, which are measured against predetermined outputs established by management. Productivity includes task related to specific, measurable levels of output.

The competencies required by a Supported Employee to complete a task at the required level of output are contained in Appendix B – Job Models/ Skills Matrix.

For people with a disability the percentage of award wages contained in the table below (section on Agreement Pro Rata Award Weekly Rate) represents the average output levels benchmarked. It is calculated by the measurement of 1-4 above against the productivity set by Civic and able to be achieved by an employee without a disability.

The pro rata award based wage structure is the basis for the provision of minimum rates of pay as determined by a comparison of the overall work performance as measured by the provisions contained in the agreement schedules by an employee with a disability and a person without a disability doing similar or the same type of work.

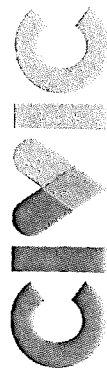
This process is the first stage of a 3 step wages continuum towards open and/ or self employment. The three stages are:

- Pro rata award based wages – working in business services
- Supported Wage System (SWS) – working with host employers
- Award Wages – open and/ or self employment

This enables effective goals for all participants to be set in conjunction with the Career Planning process and facilitates clear career paths available and identifies training deficiencies for all employees.

Supported Employee's Wage Structure

As per the Supported Employment Services Award 2010.



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APPENDIX B – SKILLS MATRIX AND JOB MODELS (Work Skill Competencies)

It is agreed that this appendix is a working document and may be reviewed by Civic but only following consultation with Supported Employees.

The unit of competencies contained in the skills matrix are enterprise specific competencies and represent the units of skill required by employees at each level of the structure. Each unit of skills has individual elements and performance criteria, which must be referred to when assessing if an employee is competent in the skill.

Competencies may be expanded and further defined to enable all parties to have a clearer understanding of skill requirements, employee performance and output (productivity) levels of each job model. The aim is to create a wage assessment model which rewards an employee according to the acquisition and utilisation of competencies with components directly related to performance and output (productivity)

NOTE

1. Employees must obtain all Core Skills at each grade, up to the grade of their particular job model
2. Employees must obtain all skills of the lower grades in each job STREAM plus any other skills of other streams as required before progressing to a higher grade
3. Employees must remain on their transitional grade for a minimum of 12 weeks to allow for an assessment for regrading to be conducted.



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Work Group	Core Skills (All persons must attain these skills)	Packing and Assembly	Mowing Crew
Individual Performance LEVEL F LEVEL E	Performance Based Wage Level – assessment at this level is based on individual performance and is at the discretion of Civic. The level is specifically designed to provide a mechanism for employees with minimum skill levels but high output (productivity) levels to be adequately remunerated <ul style="list-style-type: none"> COR21 – Workplace Numeracy COR22 – Workplace Literacy COR15 – Contribute to Health and Safety of the Workplace 	<ul style="list-style-type: none"> Safe operation of forklift in all weather without damage to customer goods/property Can monitor and report on stock levels before there is an urgent need for stock Can read and complete any workplace documentation and explain this to relevant people Can read and interpret numbers from dials, digital displays, weights, money etc Can interpret maps and diagrams and apply them to the job Can identify safety hazards and take steps to prevent injury/ incident 	<ul style="list-style-type: none"> MC12 – Use of motor vehicle MC13 – Use of ride on mower MC14 – Use of chainsaw MC15 – Understanding maps/ diagrams
LEVEL D	<ul style="list-style-type: none"> COR11 – Basic problem solving COR12 – Follow an established schedule COR13 – Plan and organise own work COR14 – Using own workspace 	<ul style="list-style-type: none"> P&A19 – Use of Forklift P&A20 – Store and distribute materials and components 	<ul style="list-style-type: none"> MC10 – First Aid MC11 – Coordinate team members
	<ul style="list-style-type: none"> P&A16 – Record production information P&A17 – Carry out basic maintenance P&A18 – Provide customer assistance 	<ul style="list-style-type: none"> Can record production information using job sheets and delivery dockets for any given job Can work out what action needs to be taken to keep machines functioning (this may include fixing it or calling a technician) Communicates appropriately to customers all the time Can identify problems and take the necessary steps to fix the problem for themselves and for co-workers 	<ul style="list-style-type: none"> Basic first aid knowledge Performs tasks using initiative Can complete a range of tasks to customer requirements Ability to supervise other team members Can identify and correct mistakes of others



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Work Group	Core Skills (All persons must attain these skills)	Packing and Assembly	Mowing Crew
LEVEL C	<ul style="list-style-type: none"> • COR09 – Participate in a team to achieve given tasks • COR10 – Take responsibility for own work • COR18 – Contribute to Quality Control 	<ul style="list-style-type: none"> • P&A13 Collating • P&A14 Despatch Stock • P&A15 Use measuring devices 	<ul style="list-style-type: none"> • Can respond to customer problems or requests politely • Safe use of skin packer to complete jobs for customer to their criteria • Safe use of soldering iron including judging of how long the iron is to be applied to individual products without damaging product • Is able to set up a workstation for themselves and others • Demonstrates understanding of production sequence for the production unit and the associated responsibilities of each team member
		<ul style="list-style-type: none"> • Arrange items in the right sequence without excessive delay/ confusion • Prepare job for delivery/ pick up including all paperwork (this includes doing a final count and completing the job sheet for the job and the delivery docket and booking the job out in the goods outwards book • Can load or give instructions on how job is to be loaded/ delivered • Use of shrink wrapper to customer specification e.g. without holes in plastic or seams showing • Safe operation of belt grinder without damage to product • Can set up and read measuring devices e.g. electronic scales • Checks work complete by co-workers 	<ul style="list-style-type: none"> • MC06 – Demonstrates problem solving abilities • MC07 – Use of edger • MC08 – Use of whipper • MC09 – Use of hedge trimmer
			<ul style="list-style-type: none"> • Performs more than one step tasks • Performs tasks requiring precision • Ability to check own work and correct any errors • Can recognise markets and read dial etc • Can use hedge trimmer to cut hedges to customer requirements



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Work Group	Core Skills (All persons must attain these skills)	Packing and Assembly	Mowing Crew
LEVEL B	<ul style="list-style-type: none"> COR06 – Staying on the job COR07 – Making choices at work COR19 – Basic workplace numeracy COR20 – Basic workplace literacy 	<ul style="list-style-type: none"> P&A09 – Handle materials manually P&A10 – Handle materials using equipment P&A11 – Use air tools P&A12 – Use power tools 	<ul style="list-style-type: none"> MC04 – Use of hand mower MC05 – Use of blower
LEVEL A	<ul style="list-style-type: none"> COR01 – Basic communication skills COR02 – Workplace communication COR03 – Work cooperatively with others 	<ul style="list-style-type: none"> P&A03 – Set up for packaging and assembly jobs P&A04 – Cleaning tasks P&A05 – Packaging 	<ul style="list-style-type: none"> MC03 – Yard cleaning MC02 – Following instruction MC01 – Use of manual gardening tools



Employment Conditions (Industries) Procedure

Work Group	Core Skills (All persons must attain these skills)	Packing and Assembly	Mowing Crew
ENTRY LEVEL (new starter or high support needs)	<ul style="list-style-type: none"> COR04 – Understand personal health and hygiene requirements of the job COR05 – Maintain personal health and hygiene COR08 – Participate in team COR16 – Implement emergency procedures COR17 – cleaning tasks 	<ul style="list-style-type: none"> P&A06 – Heat sealing packets P&A07 – Folding taping and labelling P&A08 – Use hand tools 	<ul style="list-style-type: none"> Has basic knowledge of safety rules and remembers to wear protective clothing and equipment
	<ul style="list-style-type: none"> Employee has very limited skill levels Employee is unable to obtain any measurable productivity Undertaking training to gain general vocational skills Requires one to one supervision 	<ul style="list-style-type: none"> Packs item/s to sample Identifies and fixes mistakes Can seal packet to instruction using pedal sealer Can follow instructions for folding taping and labelling to complete job Notice fix or report problems with finished item Ability to use hand tool safely as required e.g. screwdriver, pliers or Stanley knife Ability to use guillotine Demonstrates positive interaction with co-workers Follows basic safety procedures Dresses appropriately for work and is clean and tidy Expresses own needs clearly to relevant staff 	<ul style="list-style-type: none"> Needs constant supervision and instruction to complete any given task Is able to use broom, rake and shovel under instruction Can perform limited tidying or clean up routines
	<ul style="list-style-type: none"> Put correct item/s into bag as to sample Be able to correctly identify and fix when items are placed in bag incorrectly Assemble item/ job correctly following instructions given and by copying sample Disassemble items/ job correctly following instructions given and by copying sample Identify mistakes and fix or report to relevant supervisor Appears in work area on time 	<ul style="list-style-type: none"> P&A01 – Packing bags P&A02 – Basic assembly/ disassembly 	



Employment Conditions (Industries) Procedure

Work Group	Core Skills (All persons must attain these skills)	Packing and Assembly	Mowing Crew
	<ul style="list-style-type: none"> Being assessed to measure ability to move to Level A 	<ul style="list-style-type: none"> Works without unnecessary breaks Behaves in an appropriate manner 	

Work Associated Needs

Refer to Work Associated Competencies Assessment



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APPENDIX C – WAGE SYSTEM AND ASSESSMENT

Following initial wage assessments, Supported Employee's wage levels will be reviewed annually as part of the Career Plan development. All new Supported Employees will commence on the minimum rate. This rate will be initially reviewed at the conclusion of the 6 month probation period and annually thereafter.

The wage system and assessment process revolves around 6 key factors:

1. The determined wage level
2. Employee task skills
3. Employee work associated competencies
4. Training and support levels
5. Behaviour management support levels
6. Output measures

1. Determined Wage Level

- The wage level refers to the wage level allocated to a job or part of a job (task)
- When a job is received into Civic Industries, it is assessed by the Manager and allocated a wage level A, B, C, D or E on the Skills Matrix and Job Models detailed in Appendix B. The wage level is entered in the Civic Job Register.
- When required a Task Analysis is prepared for each job and each job stage and a wage level is allocated for each stage
- Each wage level is weighted

2. Employee Task Skills (WLT)

- Each Supported Employee has a Training Matrix that identifies all jobs and job stages for which they have received training.
- The Training Matrix identifies where competencies have been achieved and in which areas employees have not achieve competence.
- Competence is assessed by trained workplace assessors.
- The wage levels allocated to jobs and job stages via the task analysis are entered in the Training Matrix.
- The wage level applicable to the wage assessment is the highest wage level at which the employee has been assessed as competent.
- For calculation purposes, the wage level will be known as WLT

3. Work Associated Competencies

- The Work Associated Competencies (WAC) of each employee are assessed each year at times agreed in the Career Plan.
- Each Work Associated Competency 'set' is allocated to a Wage Level based on Appendix B.



Employment Conditions (Industries) Procedure

- The WAC assessment informs the training needs of Supported Employees and the goal-setting within Career Plans. The assessments form the basis of consultation at Career Plans and reviews
- Assessments are carried out by trained workplace assessors and are further informed by observation and regular reporting by Trainer/ Supervisors.
- The wage level applicable to the WAC is the wage level applicable to the Work Associated Competency 'set' at which the employee has been assessed.
- For calculation purposes, this wage level will be known as WLC.

4. Training and Support Levels (TSL)

- Training and support levels are rated 1-4 (1 = High, 2 = Medium, 3 = Low and 4 = Nil)
- The assessment of training and support needs is based on daily reports of Trainer/ Supervisors, observations and notes from Manager, review of the Training Matrix and consultation with employees and their support during Career Plans and reviews.
- Definitions of Levels regarding to on the job direction to complete tasks
 - High = Daily prompting required
 - Medium = Weekly prompting
 - Low = Adhoc prompting
 - Nil = Very rarely requires promoting
- Each assessed level is weighted:
 - 1 High = -45
 - 2 Medium = -25
 - 3 Low = -10
 - 4 Nil = 0

5. Behaviour Management Support Levels (WAC)

- Behaviour Management Support Levels are rated 1-4 (1 = High, 2 = Medium, 3 = Low and 4 = Nil)
- The assessment of behaviour management support is based on daily reports of Trainer/ Supervisors, observations and notes from Manager, review of their Training and consultation with the employee and their support during Career Plans and reviews
- Definition of levels regarding to individual support provided during work or training
 - High = Daily assistance and direction
 - Medium = Weekly assistance and direction
 - Low = Adhoc assistance and direction
 - Nil = very rarely requires any assistance or direction
- Each assessed level is weighted:
 - 1 High = -25
 - 2 Medium = -15
 - 3 Low = -5
 - 4 Nil = 0



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6. Output

- Output is rated 1-3 (1 = Below Average, 2 = Average, 3 = Above Average)
- Output is measured regularly in line with the Career Planning and review process and any major shifts in task skill requirements.
- Output averages are determined using a standard time formula that tasks into account variables such as non-incentive, monotony and fatigue and personal needs.
- The average output levels are entered on each Task Analysis
- Each assessed output level is weighted:
 - 1 Below Average = -30
 - 2 Average = 0
 - 3 Above Average = +10

7. Wage Calculation

- The calculation of wages is based on the key elements outlined above.
- The weightings for each Wage Level are:
 - Level A = 10
 - Level B = 20
 - Level C = 30
 - Level D = 40
 - Level E = 50
- Each task skill and each WAC level are allocated a Wage Level
- The calculation is $WLT + WLC - TSL - WAC \pm Output$
- The result from this calculation is the percentage of the award wage to which the employee is entitled
- For example:

J James

WLT Assessed at E = 50

WLC Assessed at C = 30

TSL Assessed at = Level 2

WAC = Level 2

Output = 0

The calculation is: $50 + 30 - 25 - 15 \pm 0 = 40$

Therefore J James is entitled to 40% of the award wage