



16 December 2019

Attn: Kerrie Langford
Head of Employment and Workforce Innovation
National Disability Services
Locked Bag 3002
Deakin West ACT 2600

Dear Kerrie,

Re: Submission - Response to Fair Work Commission Decision

Further to your email dated 4 December 2019 regarding the Fair Work Draft Determination AM2014/286 [2019] FWCFB 8179 and the associated proposed trial of the new supported wages system, please find attached the submission on behalf of Good Sammy Enterprises..

As a long standing and successful Australian Disability Enterprise (ADE), I trust our feedback will be considered and incorporated as part of broader submissions or representations by the NDS to Fair Work or the Commonwealth Government and hope this will help shape the creation of a fair, consistent and viable Supported Wage System for ADE's in the future.

I also confirm Good Sammy is very keen to participate in the proposed trials and consultation sessions where ever possible, including the scheduled conference of interested parties concerning the new wages structure on 20 December 2019.

Good Sammy Enterprises has a long term applied knowledge of competency based wage systems in practice and has also participated in a previous Supported Wage System trial in 2016, making us a unique candidate to participate in future trials and offer experience based feedback. I also believe our longer term supported employees would be able to offer valuable feedback and would be interested in sharing their experiences working and living on a supported wage as part of upcoming trials or consultation sessions.

If you could help to advocate for us being part of the trail, I would greatly appreciate it. Alternatively, if there is an alternative channel to request this, I would be happy to pursue that.

I look forward to hearing back from you on how we can further participate and contribute in this important matter.

Regards

Melanie Kiely
Chief Executive Officer





Response to the 3 December 2019 Fair Work Commission Decision on the Supported Employment Services Award 2010 - AM2014/286 [2019] FWCFB 8179

INTRODUCTION

Good Samaritan Industries, now trading as Good Sammy Enterprises, have been operating since 1958, providing employment opportunities and pathways for people with disability in WA. Over 60 years later, we're proud to have stayed true to our original purpose, providing employment opportunities to over 5000 people with disability through our recycling enterprise which operates as an Australian Disability Enterprise (ADE). We also deliver individualised support services to people with disability under NDIS plans through Good Sammy Options. We provide support in the development of life skills and underpinning employability skills to our clients with disability, including through meaningful work experience opportunities and work ready skills training.

Our supported employees who work within our recycling and retail enterprises are people with disability as defined in the Supported Employment Services Award 2010 and who have a range of employment support needs, including complex support needs. These employees are employed under an Enterprise Agreement that is benchmarked against the terms of the Supported Employment Services Award 2010 and we perform individual wage assessments through trained assessors under the Greenacres Competency Based Wage System to assess the appropriate wage level (grade).

This long term experience in supported employment and our participation in the 2016 trial of the Supported Wage System (SWS) enables Good Sammy to offer a contemporary applied evidence based view of the recent Fair Work Commission Decision on the Supported Employment Services Award 2010, in particular the decision to move towards an adapted version of the Supported Wage System. Accordingly, we offer the following response to the 3 December 2019 Fair Work Commission Decision on the Supported Employment Services Award 2010 - AM2014/286 [2019] FWCFB 8179:

RESPONSE

Overall Good Sammy agree with the observations and comments made by the Fair Work Commission in relation to the competency based wage assessment tools and wage systems associated with the Supported Employment Award 2010. In particular we agree:

- there is merit in establishing a consistent competency based wage assessment tool for all ADE's, one which offers objectivity, transparency, simplicity and enforceability;
- the SWS is not suitable as a tool in it's current form or in isolation; and
- people with disability should not be disadvantaged in retirement due to the conflict that exists between superannuation legislation minimums and the low average weekly earnings associated with a supported employment wage and we support this being remedied as per the Full Bench Decision [12].



Notwithstanding our support for a number of the Commission's findings, we hold two primary concerns which we feel must be considered as part of any final decisions associated with the development of a new or adapted SWS.

The current SWS fails to assess productivity in a holistic way

We agree the SWS is not an ideal wage assessment tool in its current form and that if adapted it could be suitable for ADE's in the future. The current SWS focuses on the time taken to perform a task and how much of the task is performed when measuring productivity. We believe this is only half the picture and is not holistic. By contrast, we believe the Greenacres Competency Based Wage System looks at the employee more broadly and sets the employee up for a safer and more sustainable employment experience. Our more experienced ADE support staff report that the Greenacres Competency Based Wage System is one of the better competency based wage systems they have used, as it factors in underpinning work skills which are deemed to be very important factors in assessing an individual's productivity and competency. Underpinning Work Skills are deemed to be the basic skills needed to obtain and maintain employment as follows:

- 1) Independent Work Practices
- 2) Working Consistently
- 3) Flexibility
- 4) Quality Control
- 5) Work Health and Safety
- 6) Work Station
- 7) Team Work / Working with Others

It is our strong view that the adapted SWS should incorporate the assessment of basic underpinning work skills to ensure employees are assessed accurately and fairly, and to support a safe and sustainable employment experience. We offer the following example to demonstrate how underpinning work skills effect productivity and competency and their importance in a holistic wage assessment:

Mark wants to be a fork lift operator. Mark has the skills to perform the tasks associated with this role, including operating a fork lift, loading the truck and unloading the truck provided a support person or supervisor is nearby. Mark is likely to do well in a productivity based assessment under the SWS, especially if Mark is having a good day at work with no unexpected changes. Mark can get confused and anxious when his work routine is interrupted or when there is a change in the home or work environment. An unexpected event, such as a new person starting work in his work environment, is likely to affect Mark for a few weeks until he feels comfortable again. This affects Marks productivity even though he is very capable to do the tasks associated with operating a forklift. With support, Mark needs to work on the underpinning skills 'work consistently' and 'team work / working with others'. At Good Sammy the assessment of underpinning work skills forms part of the employees wage assessment and helps the employer to ensure the employee can work safely and sustainably.



Efficiency and Access of Wage Assessments

Good Sammy has in house trained support staff who are able to conduct wage assessments for supported employees on an as needs basis under the Greenacres Competency Based Wage System. This is done in the presence of a member of the People and Culture Team to support objectivity.

We hold concerns that movement to an adapted SWS will impact on the efficiency ADE's currently experience in accessing a wage assessment because we are able to assess supported employees in-house as required. It is our strong view that any new SWS must also offer the ability to perform timely wage assessments without the delays and administrative burdens associated with the current SWS. We believe there is strong benefit in providing ADE's with the continued ability to offer accredited training to internal staff and to continue performing wage assessments for supported employees in house and that this could be successfully achieved with proper standardised systems, training, accreditation and monitoring or auditing to ensure consistency between ADE's.

Conclusion

In conclusion, we confirm our support for a more consistent and unified competency based wage system under the Supported Employment Services Award 2010, providing the new system includes the assessment of important basic underpinning skills. These skills support an ADE to offer an employee with a disability and with support needs, a sustainable, safe and successful employment experience. A supported wage system that sees the employee in a more holistic way as proposed, may even prove to be suitable to be applied more broadly in all Modern Awards. A competency based wage assessment that offers an employer insight into an employee's individual underpinning skill levels and their productivity levels could also prove to be a valuable tool for an employer and may encourage more employment opportunities for people with disability in main stream employment, not only ADE's.

As our industry transitions to NDIS, we hope to see more job seekers with support needs pursue work in any forum through employment supports under their NDIS plans, much the same way as a student with support needs receives funding for educational supports in any main stream educational setting. We look forward to a future where ADE's play an increasingly important role in providing employment pathways for people with disability into mainstream employment and where competency based wage systems are understood by all employers, making this transition easier and more likely for people with disability.

