



Additional Submission to the Fair Work Commission: Review of the Supported Employment Services Award 2010 - AM2014/286

NDS would like to lodge an additional submission in respect of the review of the Supported Employment Services (SES) Award 2010 (AM2014/286). The submission proposes a minor change to the definition of an employee with disability working in a supported employment setting. NDS is advocating the change so that people with disability in supported employment settings do not have their ongoing employment jeopardised by changes to Social Security legislation that affect for example, eligibility for the Disability Support Pension or service access for other activity tested welfare beneficiaries.

In the SES Award Exposure Draft (Part 1, Section 2, Definitions) the current definition of an eligible employee is as follows:

employee with a disability means a national system employee who qualifies for a disability support pension as set out in sections 94 or 95 of the Social Security Act 1991 (Cth), or who would be so qualified but for paragraph 94(1) (e) or paragraph 95(1) (c) of that Act (these paragraphs identify DSP ineligibility on grounds of residency/citizenship requirements).

In the SES Award Exposure Draft the current definition of a supported employment service is:

supported employment services means a service as defined in section 7 of the Disability Services Act (DSA) 1986 (Cth)

The definition of supported employment service in section 7 of the DSA is:

"supported employment services" means services to support the paid employment of persons with disabilities, being persons:

(a) for whom competitive employment at or above the relevant award wage is unlikely; and

(b) who, because of their disabilities, need substantial ongoing support to obtain or retain paid employment.

NDS advocates that the definition of an employee in the SES Award 2016 reflect terminology as defined in Section 7 of the DSA 1986 (Cth). This will ensure consistency in both the definitions of an employee with disability as identified in the Award. A proposed new definition is below.

employee with a disability means a national system employee:

(a) for whom competitive employment at or above the relevant award wage is unlikely; and

(b) who, because of their disabilities, need substantial ongoing support to obtain or retain paid employment.

This definition would also be consistent with the current supported employee eligibility and access provisions in the DSS Disability Employment Assistance (DEA) Funding Agreement Operational Guidelines.

The NDIS will also effectively redefine the eligibility of employees and jobseekers in supported employment settings. People with disability eligible for the NDIS will be able to seek funded employment supports in their participant plan, ensuring they will be able to access supported employment, among a range of possible options.

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National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes 1100 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services - from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.