



Submission to the Fair Work Commission: Review of the Supported Employment Services Award 2010 - AM2014/286 - Variations sought by NDS

NDS welcomes the opportunity to provide this submission to the Fair Work Commission (FWC) in respect of the Review of the Supported Employment Services (SES) Award 2010 through matter AM2014/286.

NDS has examined the [revised exposure draft of the SES Award 2016](#) (the exposure draft) as well as suggested variations proposed by parties such as the unions and employer groups. NDS recommends that the following variations be made to the SES Award.

Removal of wage assessment tools that are no longer used

NDS has previously identified various wage assessment tools no longer used that should be removed from the SES Award (these tools are identified in clause 16.2 of the exposure draft).

Supported Employee Superannuation – Clause 18.5

The FWC has sought comment from interested parties on the adequacy of the current superannuation rate identified in clause 18.5 of the exposure draft. NDS would support a change to the superannuation clause only if such a change would not impose an additional cost or administration burden on Supported Employment Services and would not disadvantage employees with disability (supported employees).

Employer eligibility to use the SES Award and definition of supported employees

As supported employment funding shifts from DSS to the NDIS, the ongoing status of organisations funded under the Disability Services Act 1986 (Cth) is in question. NDS is recommending that the new Award includes ongoing recognition of these organisations' right to continue to operate under the SES Award and that a relevant definition of employers covered by the SES Award 2016 be inserted. The clauses that identify employers covered by the Award include clauses 4.1 and 4.2 in the exposure draft.

NDS recommends that the new Award must include ongoing recognition of these organisations' right to continue their use of the SES Award, even though their

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government funding arrangements and the eligibility and access criteria for their employees with disability may change due to the introduction of the National Disability Insurance Scheme (NDIS).

Consequently, NDS proposes the inclusion of the following definition, replacing the previous definition in the Award:

Supported employment service is an enterprise for which the majority of their employees meet the definition of **Employee with disability** as defined in this Award.

As the introduction of the NDIS will also affect the eligibility of people with disability to access supported employment, NDS proposes the inclusion of the following definition, replacing the previous definition in the Award:

Employee with disability means a national system employee, 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; and
- (c) Meets the disability requirement in order to qualify for the Disability Support Pension; and / or
- (d) Is eligible for support under the NDIS.

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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.