

From: Noni Lord [mailto:noni.lord@aed.org.au]

Sent: Sunday, 28 January 2018 10:42 AM

To: Chambers - Hatcher VP; AMOD

Cc: 'KEMP, James'; 'Stephen.bull@unitedvoice.org.au'; Leigh Svendsen; 'fogarty@denmanchambers.com.au'; Kairsty Wilson; 'cainpaul@icloud.com'; 'craig.rawson@ags.gov.au'; 'abigail.cooper@ashurst.com'; 'Nigel Ward'; 'chrisc@greenacres.net.au'; 'MarkW@greenacres.net.au'; 'pfrench@disabilitylaw.org.au'; 'samanthaf@pwd.org.au'; 'Anthony.rohr@maiwel.com.au'; 'Smith_c1@optusnet.com.au'; 'Steve.burgess@flagstaffgroup.com.au'; 'Roy.rogers@flagstaffgroup.com.au'; 'lmooney@dsa.org.au'; 'mlcinitaly@gmail.com'; 'mjbuck2@telstra.com'; 'estelleshields@hotmail.com'; 'hdickens@dsa.org.au'; 'kerrie.langford@nds.org.au'; 'bree.willsmore@dss.gov.au'; 'johnharvey@greenacres.net.au'; 'marywalsh6@bigpond.com'; 'mpatrick@disabilitylaw.org.au'; 'Skillsmaster275@outlook.com'; 'cnewbold@actu.org.au'; 'Rowena.Freeland@dss.gov.au'; 'Joe Murphy'; 'cwatts@actu.org.au'; 'robk@accessindustries.com.au'; 'Chris.D'SOUZA@dss.gov.au'; 'Emily Slaytor'; 'Paul Musso (paul.musso@nds.org.au)'; 'Claire Bratney'; 'jzadel@hwle.com.au'; 'sryan@hwle.com.au'; 'Sina Zevari'

Subject: AM2014/286 - SUPPORTED EMPLOYMENT SERVICES AWARD

Dear Ingrid

We apologise for the delay in filing the above Statement.

We now attach for filing in the above matter a Witness Statement from Kairstien Wilson with a Statement from Tim Potter Wise of Clean Force attached. The Statement has not been signed at this time and will be provided once it has been.

We advise that we cannot comply with the request that this witness be available to give evidence on either 8 or 9 February 2018. Unfortunately he is not available on either of these days nor is he available any of the other listed days during the hearing due to heavy work commitments.

We have tried to comply with the court's request and advise that it was our intention initially to organise a site inspection rather than provide a witness statement at this late time in the proceedings.

Regards

Noni

Noni Lord

Legal Assistant

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4 yearly review of Modern Awards

Supported Employment Services Award

Matter No: AM2014/286

ADDITIONAL STATEMENT OF KAIRSTIEN WILSON

I, Kairstien Wilson, Lawyer C/- AED Legal Centre, Suite 4, Level 9, 276 Flinders Street, Melbourne in the State of Victoria, state as follows:

1. Further to my earlier Statement, I now attach the Statement of Mr Tim Potter, Marked as "Attachment A1".
2. I have sought instructions on Mr Potter's availability to attend for cross-examination if required on Thursday 8 or Friday 9 February 2018. He is unavailable on either of those days nor is he available at any time during the dates 5 to 16 February 2018 due to heavy work commitments.

DATE:

SWORN at

Signature of deponent _____

Name of witness

Signature of Witness

"Attachment A1"

STATEMENT OF TIM POTTER

I, Tim Potter care of 552 Victoria Street, North Melbourne, Victoria state as follows:

1. I am the Executive Brand and Allied Services at WISE Employment – the parent company of Clean Force Property Services. WISE Employment is a not-for-profit company with a mission of "Empowerment through Employment" and runs a range of government funded programs and commercially funded social enterprises. My role includes management of: the WISE Social Enterprises (including Clean Force), Interskills, WISE Occupational Rehabilitation and the WISE Employment marketing and communications team. I have been with WISE Employment for 7 years. Clean Force is registered as an Australian Disability Enterprise (ADE) and receives funded from the DSS and is currently in the transition to NDIS.

Background of Clean Force Property Services

2. Since opening our doors for business 16 years ago as one of the first social enterprises in Victoria to primarily employ people with a psycho-social disabilities For example schizophrenia, schizoaffective disorders, anxiety disorders and bipolar. Clean Force has generated and delivered over \$20m in commercial cleaning contracts, providing high quality services to our customers whilst assisting close to 200 workers towards independent living, inclusion and integration into all aspects of community. Having a job is often considered to be one of the most important aspects of our modern way of life. Employment brings many personal, social and financial rewards.
3. At Clean Force we believe that all Australians deserve the opportunity to work. Through securing regular commercial contracts with a wide range of organisations Clean Force aims to assist people with disabilities, who have been unable to find or maintain employment in the general labour market. Individualised training, on-going employment and tailored support enable our employees with disabilities to build their skills and experience to improve their future employment prospects and share in life's opportunities.
4. Today Clean Force has a "blended workforce" of over 120 employees with approximately 40% of employees with a disability. The majority of employees with disability have a diagnosed psychiatric condition. Clean Force also actively seek to employ other vulnerable groups who may be disadvantaged in regards to labour market participation: new arrivals (including recently settled refugees), people receiving welfare benefits, those living in social housing and long term unemployed. Balancing Clean Force's customer charter aimed at delivering a quality, timely, and safe service at a competitive prices, with its belief in "never giving up on anybody", the Clean Force team works tirelessly on job sites supporting vulnerable staff with coaching and demonstrating effective and efficient ways to work.

Implementation of SWS

5. Clean Force has been using SWS for around 15 years. The choice was made at the time because it was felt it fitted with the relevant awards and gave Clean Force the opportunity to have mixed teams working together and the possibility of employees developing to 100% productivity.



Impact of SWS

6. The SWS matches the blend of capabilities of the Clean Force staff. The SWS allows Clean Force to adjust the hourly wage cost for each employee to match their capability using an independent testing methodology. Without the SWS Clean Force would be uncompetitive and would not be able to sustain the employment of people whose productivity is below the levels required to get work done to compete in a commercial market.
7. Over 15 years Clean Force have developed a complex and proprietary system required to roster staff with various productivity levels to complete work that is quoted and invoiced at a commercially competitive rate. For example a team of cleaners who are sent to do a job that has been quoted to take 4 hours with a team of 5 people may have to be completed in 4.5 hours with a team of employees with mixed productivity levels. The work would be done to achieve the quality that was required by the customer and although the job took longer than expected this is acceptable to our customers. Our staff are therefore given the appropriate amount of time to complete the work to the appropriate quality according their individual and the groups productivity. With different teams on each shift then these times are often varied to give the team the time necessary for the work to be done with everyone working at their level of productivity.
8. For cleaning, where much of the work is outside of normal business hours, this works well as customers do not mind if the work takes longer to complete than what was quoted but for other businesses this could be an issue.
9. Without this tool and the flexibility of customers then it would be difficult to see how SWS could be implemented for teams of mixed productivity.

Identifying Productivity

10. We use an independent assessor to identify the productivity band of each of our employees. This independent assessment is also compared with our own internal metrics for productivity and, in most cases, the hourly rate is rounded to the nearest 10% to give the employee the maximum salary for their level of productivity.
11. On some occasions where Clean Force have seen improvements in productivity of greater than 5% we will conduct an internal productivity assessment and instigate an appropriate wage increase in line with evidenced improvement in productivity. This is outside the standard 12 month requirement of the SWS and is at the cost of Clean Force. This is used to incentivise cleaners with a disability to continue to develop skills and improve productivity. This is rarely used but is in the Clean Force process.
12. Staff are aware of their own productivity level and the regular assessments and are often keen to see improvements following their assessments. Some staff are very satisfied with their current productivity level and find that the level that they are assessed fits well with their health and do not wish to move to higher productivity levels. Clean Force respect that and will work on productivity gains for employees where appropriate.
13. The Wage assessment is, by definition, only a point of time and so there are effects on productivity that are not covered by the assessment including: taking initiative to find some work, the time taken for providing reminders, to coach and to discuss quality issues during the tasks, variation in the wellness of the employee, problems with medication and changes

in work from the individual tasks as assessed by the Assessor. Anecdotally this could mean a 10% productivity gain (ie wage outcome) in favour of the employee.

14. Although some of these things may have a short term negative impact on our profitability it is in line with the beliefs and mission of our organisation which is captured in our mission of "Empowerment through Employment".

Working with Assessors


15. Clean Force have a long term and good relationship with assessors who are familiar with the Clean Force business and with the range of employee capabilities that Clean Force encounters. A good and trusting relationship is important as Clean Force have had assessors in the past who have not taken the time to understand the business model, the various environments that we work in and the needs and abilities of our employees.

Variations to the SWS

16. Giving employers the option to capture their own data over a longer period of time could decrease the point-in-time variation and provide a more accurate capture of the employees' productivity.
17. Moving from 10% increments in productivity to using the raw SWS data outcome would potentially create a management and administrative burden on employers. It would be our preference for the rounding to the nearest 5% up or down.
18. It is important for Clean Force that there is a single consistent tool to ensure transparency and fairness for staff across ADEs. This creates an even commercial playing field between ADEs and for ADEs when competing with open employment businesses.

Strength of SWS for Clean Force

19. Like any business, Clean Force selects those it employs who it considers over time would become capable of doing the work we require of them. Potential employees must be capable of developing industry related skills including: utilising cleaning equipment, taking instruction and be capable of working in teams and as such move towards working independently. Our disabled employees receive a lot of extra support which would not be typically available in the general labour market, particularly in areas of assessing daily work requirements, prioritising and organising their work and ensuring high quality standards are met. The SWS Wage Assessment Tool combined with the additional Government funding and supports provided by our supervision and support teams works well for Clean Force because it provides fair pay to the employee depending on their productivity and a clear pathway that helps them to improve and develop in their role.
20. Our target is to get all staff to their optimum productive capacity for the role they are performing to help them achieve their employment and life goals.



Tim Potter

25/1/18

Date