

**From:** [Roushan Walsh](#)  
**To:** [AMOD](#)  
**Subject:** AWU Reply Submission: AM2014/286 - Supported Employment Services Award 2016  
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[Supported Employment Services Award 2016 AWU Reply Submissions Exposure Draft.pdf](#)

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Dear Award Modernisation team,

Please find attached the AWU's submission in reply to the drafting and technical issues raised in the Exposure Draft for the *Supported Employment Services Award 2016*.

Kind regards,

**Roushan Walsh**

**National Legal Officer**

**The Australian Workers' Union**

Level 10, 377-383 Sussex Street, Sydney, NSW 2000

p.02 8005 3333 | f.02 8005 3300

[roushan.walsh@nat.awu.net.au](mailto:roushan.walsh@nat.awu.net.au) | [www.awu.net.au](http://www.awu.net.au)

AWU Twitter: [www.twitter.com/AWUnion](https://www.twitter.com/AWUnion)



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Fair Work Commission  
Level 10, Terrace Tower, 80 William Street  
East Sydney NSW2011  
By email: amod@fwc.gov.au

21 July 2016

**Re: AM2014/286 AWU reply submissions on drafting and technical issues raised in the Exposure Draft for the *Supported Employment Services Award 2016***

## **BACKGROUND**

1. On 10 May 2016 the President, Justice Ross published a Statement and Directions regarding a plain language pilot and Group 4 awards.<sup>1</sup>
2. The Directions require the filing of submissions in reply to drafting and technical issues raised in Group 4A, B and C exposure drafts by 21 July 2016.
3. The following parties filed submissions on drafting and technical issues found in the exposure draft for the *Supported Employment Services Award 2016* ('the Exposure Draft') as published on 17 May 2016:
  - Australian Workers' Union (**AWU**)
  - Health Services Union (**HSU**)
  - Australian Business Industrial and the NSW Business Chamber (**ABI**)
  - National Disability Services (**NDS**)
4. The AWU's submissions in reply appear below.

## **REPLY SUBMISSIONS**

### **Health Services Union**

5. The AWU agree with the following Exposure Draft submissions of the HSU without need for further comment:
  - 5.1. Clause 12 [paragraph 5]: that the contents of clause 12 should appear at clause 15.
  - 5.2. Clause 2 [paragraphs 6-8]: that the definition of 'ordinary hourly rate' should refer to an employee's 'grade' rather than 'classification'.

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<sup>1</sup> [2016] FWC 2924.

- 5.3. Allowances and wages tables [paragraphs 9-11]: regarding further signage in tables throughout the Exposure Draft. We say this is particularly helpful for tables containing both dollar and percentage amounts.
- 5.4. Clause 2 [paragraph 12]: for the definition of 'casual ordinary hourly rate' to be deleted. This is consistent with paragraph [4] of our 06 July 2016 Exposure Draft Submission.
- 5.5. Clause 3.3 [paragraph 13]: regarding copies of the award and the NES – for the wording 'whichever makes them more accessible' in the current *Supported Employment Services Award 2010* ('the Award') to be retained.
- 5.6. Clause 18.5 [paragraph 15]: in regards to contributions paid to employees with disabilities – that no changes are necessary at this stage.
- 5.7. Clause 4 [paragraphs 16-18]: in regards to the placement and paragraph structure suggestions for clauses 4.1, 4.3 and 4.5.
- 5.8. Clause 15.2 [paragraph 19]: that the references to clauses 15.3 and 15.5 are irrelevant to ascertaining the minimum rates of pay set out at this table.
- 5.9. Clause 16.9 [paragraph 20]: that this clause be deleted.
6. Clause 24.2 [paragraph 14]: The AWU agree this clause should be corrected to cross-reference to clause 20.4 rather than clause 20, but amend the HSU's proposed wording to read: '*...paid in accordance with clause 20.4 – penalty rates Public holidays.*'

#### **Australian Business Industrial and the NSW Business Chamber**

7. The AWU agree with the following Exposure Draft submissions of ABI without need for further comment:
  - 7.1. Clause 15.3(d) and (e) [paragraph 8.1]: that these subclauses be grouped together as appears at clause 18.4 of the current Award.
  - 7.2. Clause 16.4 [paragraph 8.2]: for the grammar to be corrected as proposed by ABI.
  - 7.3. Clause 16.5 [paragraph 8.3]: for the grammar and formatting to be corrected as proposed by ABI.
  - 7.4. Clause 16.9 [paragraph 8.4]: that this clause be deleted – as above at paragraph 5.9.

## **National Disability Services**

8. The material filed by NDS on 18 July 2016 addresses the ongoing applicability of wage assessment tools, as well as potential changes to the superannuation rate for employees with disability, and ongoing coverage of certain organisations.
9. Clause 16.2 [page 1]: Of the above material that may appropriately be addressed in this submission, we refer to clause 18.5 (superannuation), and 16.2 (approved wage assessment tools for employees with a disability). In regards to clause 18.5 no particular change has been proposed by NDS consistent with the AWU and HSU. In regards to clause 16.2 the AWU is not currently in a position to confirm the list of tools identified by NDS are indeed no longer used, although we are not inclined to question this proposition.

**END**



Roushan Walsh  
**NATIONAL LEGAL OFFICER**