

Extract

This extract of Wage-Setting Decision 2/2008, which adjusts the special Supported Wage Decision Pay Scale, is sourced from: The Australian Fair Pay Commission, *Wage-Setting Decision and Reasons for Decision July 2008*, The Commonwealth of Australia 2008, pp. 25-26, 73–74.

The text of the full decision can be accessed at:

<http://www.fairpay.gov.au/fairpay/WageSettingDecisions/General/2008/Documents/>

Wage-Setting Decision 2/2008

On 16 June 2008 we, Ian Harper (Chairman), and Hugh Armstrong, Patrick McClure, Mike O'Hagan, and Judith Sloan (Commissioners), collectively comprising the Australian Fair Pay Commission, acting pursuant to the powers conferred on the Australian Fair Pay Commission by sections 196, 200, 216, and 864 of the *Workplace Relations Act 1996* (WR Act) make the following decision to be known as Australian Fair Pay Commission Wage-Setting Decision 2/2008.

Interpretation

In this wage-setting decision:

“*adult basic periodic rate of pay*” means a basic periodic rate of pay that is not a basic periodic rate of pay expressly applying to:

- (a) all junior employees or a class of junior employee; or
- (b) all employees to whom training arrangements apply or a class of employee to whom training arrangements apply; or
- (c) all employees with a disability or a class of employee with a disability;

“*basic periodic rate of pay*” means a basic periodic rate of pay contained in a Pay Scale;

“*basic piece rate of pay*” means a basic piece rate of pay contained in a Pay Scale;

“*Pay Scale*” means an Australian Pay and Classification Scale;

“*SACS Pay Scale*” means the preserved Australian Pay and Classification Scale derived from the Social and Community Services Employees (State) Award [NSW].

Commencement of this wage-setting decision

This wage-setting decision comes into operation in relation to an employee at the commencement of the employee's first pay period on or after 1 October 2008.

Note: The reference to ‘pay period’ in the commencement provision is a reference to the pay period according to which the employee was being paid immediately before 1 October 2008.

F2 Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale

Adjustment to sections 8 and 10 of the Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale

- (1) The Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale, [2007] APCS 1 is adjusted as follows:

- (a) Section 8 is deleted and is replaced by the following:

8. Minimum Rate Method

The employee will be paid the amount worked out according to the following formula:

$$\$69 \div x$$

where x is the actual number of hours worked by the employee per week, or 38, whichever is the lesser.

- (b) Section 10 is deleted and is replaced by the following:

10. Trial Period

In order for an adequate assessment of the employee's capacity to be made, an employer may employ a person for a trial period not exceeding an aggregate of 16 weeks in order to determine the appropriate percentage of assessed capacity.

The minimum hourly rate payable to the employee during the trial period shall be the greater of \$1.82 per hour or

$$\$69 \div x$$

where x is the actual number of hours worked by the employee per week, or 38, whichever is the lesser.

Work trials should include induction or training as appropriate to the job being trialled.

Section C of this wage-setting decision does not apply

- (2) The adjustments made by Section C of this wage-setting decision do not apply to the Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale [2007] APCS 1.

Reasons for Decision

5.4. Employees with a disability

Adjustment to minimum weekly payment

The Commission has decided to adjust the minimum weekly amount payable to employees with a disability working under the SWS to retain its nexus with the income-test free threshold of the Disability Support Pension (DSP).

The Commission will adjust the minimum weekly amount payable to \$69 per week for employees with a disability covered by the following instruments:

- Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale, [2007] APCS 1;
- Special Federal Minimum Wage No 2 – Employees with a disability who are unable to perform the range of duties to the competence level required because of the effects of a disability on their productive capacity – and are not currently covered by a Pay Scale; and
- preserved Pay Scales which provide for the SWS and which also provide a minimum amount payable under the SWS.