



## Extract

This extract of Wage-Setting Decision 8/2007, which consolidated the Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale determined by Decision 1/2006, is sourced from: The Australian Fair Pay Commission, *Wage-Setting Decision 8/2007*, The Commonwealth of Australia 2006 pp.1-8.

The text of the full decision can be accessed at:

<http://www.fairpay.gov.au/fairpay/WageSettingDecisions/General/2007/Documents/>

## Wage-Setting Decision 8/2007

On 28 August 2007 we, Ian Harper (Chairman), and Hugh Armstrong, Patrick McClure, Mike O'Hagan, and Judith Sloan (Commissioners), together constituting the Australian Fair Pay Commission, acting pursuant to the powers conferred on the Australian Fair Pay Commission by sections 214 and 220 of the *Workplace Relations Act 1996* make the following decision to be known as Australian Fair Pay Commission Wage-Setting Decision 8/2007.

### Commencement of decision

This wage-setting decision comes into operation in relation to an employee at the commencement of the first pay period applicable to the employee on or after 1 October 2007.

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 2007.



**A Determination of Australian Pay and Classification Scales**

**A1 Determination of Australian Pay and Classification Scales for employees with a disability**

Pursuant to subsection 220 of the *Workplace Relations Act 1996*, the Commission determines the following special Australian Pay and Classification Scales:

- *Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale*, [2007] APCS 1; and
- *Special Business Services (Employees with a disability) Australian Pay and Classification Scale*, [2007] APCS 2.

The *Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale* and the *Special Business Services (Employees with a disability) Australian Pay and Classification Scale* consist of the content set out in Schedule A to this decision.



**B** Section C of Wage-Setting Decision 3/2007 does not apply

**B1** Section C of Wage-Setting Decision 3/2007 does not apply to special Australian Pay and Classification Scales for employees with a disability

The adjustments made by Section C of Wage-Setting Decision 3/2007 do not apply to the *Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale, [2007] APCS 1* and *Special Business Services (Employees with a disability) Australian Pay and Classification Scale, [2007] APCS 2*, determined by this wage-setting decision.

### Reasons for Decision

The Australian Fair Pay Commission (Commission) has commenced a process of creating and publishing Australian Pay and Classification Scales (Pay Scales). This decision inserts a Pay Scale number into the following Pay Scales created by Section G of the Commission's Wage-Setting Decision 1/2006:

- New Special Pay Scale – 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 currently covered by a Pay Scale that does not include the Supported Wage System;
- New special Pay Scale – 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 – are employed in business services and are not currently covered by a Pay Scale;

as amended by the Commission's Wage-Setting Decision 1/2007, Wage-Setting Decision 3/2007 and Wage-Setting Decision 5/2007.

On 28 August 2007 we, Ian Harper (Chairman), and Hugh Armstrong, Patrick McClure, Mike O'Hagan, and Judith Sloan (Commissioners), collectively comprising the Australian Fair Pay Commission, make this decision to be known as Australian Fair Pay Commission Wage-Setting Decision 8/2007.

Ian R. Harper  
Chairman

Hugh Armstrong  
Commissioner

Patrick McClure, AO  
Commissioner

Mike O'Hagan  
Commissioner

Judith Sloan  
Commissioner

## [2007] APCS 1

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

### 1. Title and Pay Scale number

*Special Supported Wage System (Employees with a disability) Australian Pay and Classification Scale, [2007] APCS 1.*

### 2. This Pay Scale is determined for the purposes of section 220

This special Pay Scale is determined for the purposes of section 220 of the *Workplace Relations Act 1996* (WR Act).

### 3. Commencement

This wage-setting decision comes into operation in relation to an employee at the commencement of the first pay period applicable to the employee on or after 1 October 2007.

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 2007.

### 4. Definitions

In this special Pay Scale:

**accredited assessor** means a person accredited by the management unit established by the Commonwealth under the Supported Wage System to perform assessments of an individual's productive capacity within the Supported Wage System;

**assessment instrument** means the completed form provided for under the Supported Wage System that records the assessment of the productive capacity of the person to be employed under the Supported Wage System;

**Commission** means the Australian Fair Pay Commission;

**Employee with a disability** has the same meaning as in section 178 of the WR Act;

**special Pay Scale** means special Australian Pay and Classification Scale;

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

**Supported Wage System** means the Commonwealth Government System to promote employment for people who cannot work at full wages because of a disability, as documented in "Supported Wage System: Guidelines and Assessment Process".

**Training arrangement** has the same meaning as in section 178 of the WR Act

## 5. Coverage

This special Pay Scale applies to an employee with a disability:

- (a) whose employment is covered by a Pay Scale that does not include provisions for determining a rate of pay in accordance with the Supported Wage System; and
- (b) who is unable to perform the range of duties to the competence level required of an employee within the class of work for which the employee is engaged because of the effects of a disability on their productive capacity; and
- (c) who meets the impairment criteria for receipt of a Disability Support Pension.

This special Pay Scale does not apply to:

- (d) an existing employee who has a claim against the employer which is subject to the provisions of workers' compensation legislation or any provision of an industrial instrument that relates to the rehabilitation of employees who are injured in the course of their employment; or
- (e) employers in respect of their facility, program, undertaking, service or the like which receives funding under the *Disability Services Act 1986* and fulfils the dual role of business service provider and sheltered employer to people with disabilities who are receiving or are eligible for a disability support pension.

## 6. Supported Wage Rates of Pay

The minimum hourly rate payable to an employee covered by this special Pay Scale is the greater of the hourly rates calculated in accordance with the method specified in clause 7 and the method specified in clause 8.

## 7. Assessed Capacity Method

The minimum hourly rate payable to an employee in respect of whom an assessment has been made is the percentage of the minimum rate of pay that would otherwise apply to them under a Pay Scale (as adjusted from time to time) for the class of work which the person is performing according to the following table:

<b>Assessed productive capacity</b>	<b>% of otherwise applicable Pay Scale Rate</b>
10%	10%
20%	20%
30%	30%
40%	40%
50%	50%
60%	60%
70%	70%
80%	80%
90%	90%

The productive capacity of the employee is to be assessed in accordance with the Supported Wage System and documented in an assessment instrument by either:

- (a) the employer and an employee representative, in consultation with the employee; or, if desired by any of these;
- (b) the employer and an accredited Assessor from a panel agreed by the employer, the employee's representative and the employee.

An assessment instrument must be agreed to and signed by:

- (a) the employer; and
- (b) the employee; or
- (c) the employee and the employee's representative;
- (d) if the employee so chooses, the employee's representative.

A copy of the completed assessment instrument must be given to the employee and, if the employee requests, to the employee's representative.

## **8. Minimum Rate Method**

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

$$\$66 \div x$$

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

## **9. Review of Assessment**

The assessment of the applicable percentage should be subject to annual review or earlier on the basis of a reasonable request for such a review. The process of review shall be in accordance with the procedures for assessing capacity under the Supported Wage System.

## **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 \$1.73 per hour or

$$\$66 \div x$$

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.

## **11. Workplace Adjustment**

An employer wishing to employ an employee with a disability to whom this special Pay Scale will apply shall take reasonable steps to make changes to the workplace to enhance the employee's capacity to do the job. Changes may involve re-design of the job duties, working time arrangements, provision of reasonable aids and equipment and work organisation in consultation with other workers in the area.