



Consolidated Interpretation of the Special Supported Wage System (Employees with a Disability) Australian Pay and Classification Scale

This document has been published for illustrative purposes only. **It is not a legal instrument, nor does it purport to contain legal interpretations of the relevant instruments.**

The text of the full wage-setting decisions giving effect to the content of Special Supported Wage System (Employees with a Disability) Pay Scale can be accessed at

http://www.fairpay.gov.au/NR/rdonlyres/E916F773-AD14-45C3-8325-4B48918ADF3C/0/AFPC_WageSetting_Decision_82007.pdf

[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:

Assessed productive capacity	% of otherwise applicable Pay Scale Rate
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:

- the employer and an employee representative, in consultation with the employee; or, if desired by any of these;
- 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:

- the employer; and
- the employee; or
- the employee and the employee's representative;
- 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. **[\$66 will increase to \$69 with effect from the commencement of an employee's first pay period on or after 1 October 2008]**

[Section 8 is deleted and replaced by clause F(2)(1)(a) AFPC Wage-Setting Decision 2/2008 with effect from the commencement of an employee's first pay period on or after 1 October 2008]

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

[effective up to commencement of an employee's first pay period on or after 1 October 2008]

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.

[effective from commencement of an employee's first pay period on or after 1 October 2008]

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 10 was deleted and replaced by clause F(2)(1)(b) AFPC Wage-Setting Decision 2/2008]

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.

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