



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF  
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/80 – SUPPORTED EMPLOYMENT SERVICES AWARD 2010

AWARD MODERNISATION

**AFEI**  
Australian Federation of  
Employers & Industries

**BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS  
COMMISSION**

**AM 2008/80 – Health & Welfare Services (Remainder) -  
Supported Employment Services**

1. The Australian Federation of Employers and Industries (AFEI) make the following submissions concerning the Exposure Draft Supported Employment Services Award 2010.

**Coverage**

2. AFEI again raises its concerns regarding the coverage provisions contained at clause 4 of the Exposure Draft. AFEI's major concern with the current Draft Award provisions is that employers will face difficulties delineating between the coverage of this Exposure Draft and the proposed Social, Community, Home Care and Disability Services Industry Award 2010. This particularly affects organisations offering accommodation services in addition to sheltered workshop environments engaging staff whose duties may on occasion overlap.

**Types of Employment**

3. AFEI have significant concerns regarding clause 10.3(d) of the exposure draft restricting part-time work before attracting overtime penalty rates.

4. AFEI acknowledges that the provisions contained in the Exposure Draft are in line with those presently contained in the Liquor, Hospitality and Miscellaneous Worker's Union Supported Employment Services Award 2005 (the "LHMU Award"). However AFEI wishes to draw to the attention of the Commission that the LHMU Award presently only applies by limited responsibility, and that the restrictions on part-time work contained therein are not a reflection of the part-time and overtime work provisions contained in the multitude of other industrial instruments which applied to non-respondent organisations.
5. In addition, the present terms of the Exposure Draft do not adequately recognise the unique needs of the employees affected by its terms. The ability of supported employees to work in accordance with a rigid framework fails to take into account the diverse factors impacting on their ability to maintain consistent employment hours. Employers within the industry are often required to vary the terms of employment at short notice to adapt to the variable nature of an employee's condition or capabilities. Thus it is not workable for an industrial instrument specifically designed for these employees to not make provisions to accommodate their unique needs.

### **Casual Loading**

6. The casual loading of 25% prescribed by the Exposure Draft represents a significant cost increase from present award terms. AFEI proposes that the Commission take advantage of the full transition period available and defer any increase as a means of stabilizing employer costs.

## **Allowances**

### Vehicle Allowance

7. At clause 15.1 of the Exposure Draft the Commission has set the rate for an employee being required to use their own vehicle for work purposes at the rate of \$0.70 per kilometre. This is a substantial cost increase from the allowance presently payable under the LHMU Award (\$0.61 per kilometre). AFEI seeks to have the Commission re-evaluate that rate in the Exposure Draft given the potentially significant increase in costs that such a substantial rate increase would represent.

## **Conclusion**

8. The Commission should reconsider its treatment of the following aspects of the Exposure Draft:
9. Firstly, the nature of the coverage provisions and the need for this Modern Award to closely interact with other Modern Awards in the social and community services sector.
10. Secondly, the Commission address the restrictive nature of the overtime provisions contained in the Exposure Draft as they apply to part-time employees to better allow employers to recognise the unique needs of supported employees who are both employee and client.
11. Thirdly, the Commission consider deferring the increase to the casual loading for the duration of the transitional period to allow employers the maximum time in which to adapt their work practices.
12. Finally, the rate for the vehicle allowance be reconsidered and set at a level that more accurately reflects the rates presently payable.

**16 October 2009**