

**REGISTER OF
ENTERPRISE AGREEMENTS**

ENTERPRISE AGREEMENT NO: EA24/03

TITLE: Mid-Western Regional Council (Supported Employees) Enterprise Agreement 2023

CASE NO: 2023/364069

DATE APPROVED/COMMENCED: 23 January 2024 / 23 January 2024

TERM: 36 months

NEW AGREEMENT OR VARIATION: Replaces EA16/01

GAZETTAL REFERENCE: 2 February 2024 (396 I.G. 625)

NUMBER OF PAGES: 36

COVERAGE/DESCRIPTION OF EMPLOYEES:

The agreement applies to employees employed by Mid-Western Regional Council located at 86 Market Street, Mudgee NSW 2850, who are eligible for, or in receipt of a Disability Support Pension and/or an NDIS participant and are performing tasks contained in Schedule "B" Skills Matrix and Job Models of the agreement, who fall within the coverage of the Local Government (State) Award 2023.

PARTIES:

Mid-Western Regional Council -&- New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union.

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A. PREAMBLE

The Mid-Western Regional Council (hereafter referred to as 'Council') is a New South Wales Public Sector organisation providing employment and support services to people with a disability working in an Australian Disability Enterprise Environment. The activities of the Council for those employees with a disability are jointly funded by the National Disability Insurance Scheme (hereafter referred to as 'NDIS') and Council. The aim of Council is to give people with a disability, the opportunity to live and work in a community that respects and accepts them as individuals and equals.

This agreement has been specifically developed to provide the same terms and conditions of employment for all employees. The agreement only contains those terms and conditions which relate to the employee/employer relationship and particularly the determination of a Pro-rata Award Based Wage, for the employees with a disability.

It is acknowledged, the services provided and the operation of Council for its employees with a disability are not as a general rule pure employment services in a strictly commercial sense, rather it operates in an employment-like environment. In addition to providing employment in accordance with community expectations, Council also provide the following support at a higher level than would be usual in an organisation which did not have a similar purpose:

- ◆ vocationally-related training;
- ◆ work experience;
- ◆ job modification;
- ◆ assistance with progression to open employment; and
- ◆ an integrated range of non-vocationally related support services.

The primary relationship that exists between Council and its employees with a disability extends beyond that which is generally expected in an employer-employee relationship.

It is further acknowledged this primary relationship has a direct impact on the operational costs of Council, the terms and conditions of employment and wage rates paid to the employees with a disability compared to the rates of pay paid to an employee without a disability and covered by the industry award.

Through ongoing training and support people with disabilities will be given the opportunity to work and therefore contribute to the community, increase their self-esteem and to exercise choice in their way of life.

The agreement through its skills structure, training and support content, promotes community acceptance and recognition of the rights of employees with a disability and focuses on the abilities of employees not their disability.

The agreement has been written in a plain English version to allow employees, their families, guardians, and advocates to have a clearer understanding of the provisions contained in the agreement.

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B. DEFINITIONS AND GLOSSARY OF KEY TERMS

Agreement	Mid-Western Regional Council (Supported Employees) Enterprise Agreement 2023.
Council	The 'Council' means the <i>Mid-Western Regional Council</i> .
Employee(s)	All employees of Mid-Western Regional Council with a disability are employed in the Job Models (Classifications) contained in the agreement.
Employee with a disability	An employee with a disability is an employee who is eligible for or in receipt of a Disability Support Pension and/or an employee defined as an NDIS participant employed by a "prescribed service" or "eligible organisation" as defined by the <i>Disability Service Act 1986 (as amended)</i> and operates a supported employment business enterprise (Australian Disability Enterprise) (ADE) which employs able-bodied workers and people with a disability in either a workshop, administration, enclave, work crews, small business enterprise, day program activities or other services operated by Council.
NDIS Practice Standards	Define the requirements for service quality, which are linked to core processes and outcomes for employees with a disability.
Act	The 'Act' means the <i>Industrial Relations Act 1996. (NSW)</i> .
Award	The 'Award' means the <i>Local Government (State) Award 2020</i> .
Remuneration	The minimum rates of pay for employees covered by the agreement.
Wage Assessment	The Pro-rata Award Based Wage assessment process (SkillsMaster© System) in which an employees' rate of pay is determined.

C. NAME OF AGREEMENT

Mid-Western Regional Council (Supported Employees) Enterprise Agreement 2023

D. DOES THE AGREEMENT REPLACE AN AWARD?

The terms of the *Local Government (State) Award 2023 – New South Wales* (hereafter referred to as the 'Award') or successor award(s), as varied from time to time, are incorporated into this Agreement. If an incorporated Award term is inconsistent with an express term of this Agreement the express term in the Agreement shall prevail over the incorporated Award term to the extent of the inconsistency.

The agreement rescinds all previous agreements relating to the terms and conditions of employment of the employees, written, or by practice, whether certified, approved or by notice.

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E. WHAT IS THE DESIGNATED AWARD

The designated award for the purpose of applying the "No Net Detriment Test" is the *Local Government (State) Award 2023* or any award made in succession thereof.

F. ARE THE RIGHTS OF THE EMPLOYEES PROTECTED?

The rights of employees are protected by the provision contained in the *Industrial Relations Act 1996 (NSW)* the *Anti-Discrimination Act 1977 (NSW)* the *Disability Services Act 1986 (C'th)* and the *National Disability Insurance Scheme Act 2013 (C'th)*.

Every employee has the right to seek assistance from an advocacy group or an employee organisation (Union), of their choice, to deal with matters relating to the agreement, their employment, or their wellbeing.

WHAT ARE THE NDIS PRACTICE STANDARDS

The parties recognize, Council provides employees with a disability a support service to gain meaningful employment.

Further, Council reaffirms its commitment to satisfying the NDIS Practice Standards and relevant Core Modules as listed;

Module 1: Rights and Responsibility - Each participant accesses supports that promote, uphold and respect their legal and human rights and is enabled to exercise informed choice and control. The provision of supports promotes, upholds and respects individual rights to freedom of expression, self-determination and decision-making.

Module 2: Governance and Operational Management - Each participant's support is overseen by robust governance and operational management systems relevant (proportionate) to the size, and scale of the provider and the scope and complexity of supports delivered.

Module 3: Provisions of Supports - Each participant accesses the most appropriate supports that meet their needs, goals and preferences.

Module 4: Support Provisions Environment - Each participant accesses supports in a safe environment that is appropriate to their needs.

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PART 1 - GENERAL INFORMATION ABOUT THE AGREEMENT

1.1 COMMUNICATION

Information will be provided to employees to support them in making informed decisions in regard to their employment, the agreement and the consequences of their decisions.

Information will be given in any combination of the following;

- a) Meetings;
- b) Management reports;
- c) Newsletters, posters, notice boards, display and audio/visual material;
- d) Literature including pictorial format;
- e) Plain English written and verbal material; and
- f) access to advocacy groups.

Employees will have the choice to include their parent/guardian, advocate and/or independent employee representative to assist them to understand and appreciate the full significance of discussions and to make informed decisions and choices about their employment and role.

1.2 DURESS

Special arrangements were made to ensure that employees were consulted and informed in a way they understood the content of the agreement and the implications of the terms and conditions in the agreement would have on their employment.

1.3 PARTIES BOUND

1. Mid-Western Regional Council of, 86 Market Street, MUDGEES NSW 2850 and at other locations where Council has a facility to operate.
2. The New South Wales Local Government, Clerical, Administrative, Energy Airlines, and Utilities Union (United Services Union (**USU**)) of Level 7/321 Pitt Street, SYDNEY 2000 on behalf of the employees of Council who are eligible to be member of the (**USU**) and are eligible for and/or in receipt of a Disability Support Pension (hereafter referred to as '**employee(s)**') and performing the tasks contained in **SCHEDULE "B" Skills Matrix and Job Models**.

1.4 TERM OF THE AGREEMENT

This Agreement will regulate the terms and conditions of employment of those employees nominated who are eligible for or in receipt of a Disability Support Pension and/or a NDIS participant and are performing tasks contained in Schedule "B" Skills Matrix and Job Models. The Agreement shall start from the date it is approved and will terminate three (3) years from the date of approval.

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1.5 NO EXTRA CLAIMS

No additional claims in addition to terms and conditions contained in this agreement can be made by Council or employees until the agreement finishes.

PART 2 - TERMS AND CONDITIONS OF EMPLOYMENT

2.1 MANAGING CHALLENGING BEHAVIOURS

Where an employees' behaviour is identified as warranting severe discipline or termination of the employee, an option of Council, subject to investigation is to suspend the employee from duty without pay.

Such suspension shall be regarded as appropriate for the protection of the individual, the Workplace Safety of other persons and/or the protection of the reputation of Council. Every effort will be made to ensure the employee concerned understands the reason for the suspension.

A program of support and training will be offered on the return to work of the employee. Any suspension will be seen as a constructive and positive step towards the resolution of the problem.

The period of suspension shall be determined by Council in consultation with the employee and/or their parents/guardian, advocate and/or an independent representative, but in general shall not exceed four (4) weeks in duration.

2.2 PERFORMANCE OF WORK

Employees will perform all reasonable work as directed within their skill and competence. No employee will be required to perform work which they have not been trained to do.

PART 3 - SKILL DEVELOPMENT, EDUCATION AND TRAINING

3.1 LEVEL STRUCTURE

In this agreement an employees' classification is referred to as a '*Job Model*'.

The '*Job Model*' of each employee is contained in the attachment '*Schedule 'B' Skills Matrix and Job Model*'.

Council will allocate each employee the appropriate '*Job Model*' on the approval of this agreement or on the commencement of employment. The '*Job Model*' will be determined on the skills, performance and output of the employee as assessed by Council in accordance with the Wage Assessment Tool contained in '*Schedule 'C' Wage Assessment Tool SkillsMaster© System*'.

3.2 JOB MODEL

A '*Job Model*' contains all the indicative tasks (shown as '*Units of Skill*') relevant to the type of work being performed by an employee at an identified performance level within a '*Work Stream*'.

Each '*Job Model*' represents the tasks applicable to the Award Classification Structure and undertaken by an employee at the minimum award rate of pay corresponding to the Award Level Structure.

(Refer: '*Schedule 'A'- Pro-Rata Award Based Wages*' and '*Schedule 'B'- Skills Matrix*').

NOTE: *Each job ('JOB MODEL') is linked to the Award classification and wage level for the type of work undertaken by an employee and the Classification, and Wage Level (Wage Structure) of this agreement.*

E.G – If an employee is performing basic Recycling work in the Waste Management Work Stream the employee would be graded as a "Band 1 Level 2" (Refer: Local Government (State) Award 2023) Clause 5 – Skills Descriptors, Part B - Table 1) and would be assessed using the Pro-rata Award Based Wage Assessment tool contained in Schedule "A" against that grade. The percentage of the award rate would be applied to the weekly rate of the Award. As at 1/7/2023 the Award rate is \$947.10.

3.3 SKILLS MATRIX

A Skills Matrix is a list of identified skills (*competencies*) and reflects all the tasks undertaken within Council for the employees covered by this agreement. Specific skills are grouped together to establish each '*Job Model*'.

The '*Job Models*' have been developed through consultation and an assessment process with all stakeholders. Each '*Job Model*' has been established taking into consideration the relevant Award Classification and/or Levels Structure relevant to an employee without a disability.

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3.4 SKILLS ASSESSMENT

Employees are assessed against all the skills in a particular '*Job Model*' and contained in *Schedule 'B' Skills Matrix* to determine if the employee is competent in each of the skills.

The employee is placed in the appropriate wage level contained in *Schedule 'A' Wage Structure/Pro-rata Award Based Wage*.

The assessment system and process to determine an employees' wage level (*Pro-rata Award Based Wage*) is contained in *Schedule 'C' Wage Assessment Tool*.

3.5 SKILLS DEVELOPMENT

Council is committed to providing more flexible working arrangements, improving the quality of working life, enhancing skills and job satisfaction, and assisting positively in employee development. The commitment is to:

- a) develop a more skilled and flexible workforce;
- b) provide employees with career opportunities through appropriate paid training;
- c) encourage employees to acquire additional skills;
- d) remove barriers to the utilisation of skills acquired; and
- e) assist in the training of new employees and the training of existing employees to enable them to gain the skills necessary to carry out their assigned tasks and to progress through the levels structure.

To this extent every employee will be given the opportunity to increase their skill levels through appropriate structured training, subject to;

- (i) the requirements of the Council to maintain productivity levels;
- (ii) the ability of the employee to be trained;
- (iii) the skills needed within the Council;
- (iv) the financial constraints of the Council; and
- (v) the requirements of the NDIS Practice Standards and Quality Indicators.

Training and assessment programs will be structured to meet all current legislative and National Training framework requirements.

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3.6 CAREER PLANNING

Council will develop a "*Career Plan*" for each employee.

The plan will be used to identify employee development and training needs and will consider such issues as employee needs, choices and expectations, the objectives of Council and quality assurance.

3.7 TRAINING

Where Council approves the training of an employee, the employee will be paid for the training. If the training is conducted outside the employees' ordinary hours of work, the training and the time required to travel to the training venue, if the venue is outside or a greater distance the employee would travel to their normal work location, will be paid in accordance with the Award.

All training not approved by Council will be without pay.

Any cost associated with standard fees for courses, prescribed textbooks incurred in connection with the undertaking of a Council approved training course will be paid by Council on the presentation of receipts for such payment.

3.8 EMPLOYEE ADVANCEMENT

To progress to a higher '*Wage Level*', an employee must obtain additional skills and/or be assessed to be performing at a higher level of performance and/or output at the employees' skill level.

Assessment of an employees' performance will be conducted in accordance with, *Clause 3.10 Performance Review - Will the organisation review an employees' performance?*

An employee may dispute an adjustment or no adjustment following a performance review by lodging a grievance in accordance with the Award provision.

3.9 ADJUSTMENT TO A LOWER LEVEL

Some employees may be assessed during their performance review to have lost or not maintained skills required at their current '*Wage Level*'. In this situation Council may adjust the employee to a lower '*Wage Level*' more comparable to the employee's current assessed skill, ability and performance.

Any decision to adjust an employee to a lower '*Wage Level*' will be determined by Council in consultation with the employee and/or their parent/guardian, advocate and/or an independent representative. No adjustments will be made in the first twelve (12) months of this Agreement.

An employee may dispute an adjustment to a lower '*Wage Level*' by lodging a grievance in accordance with the *Clause 6.1 Grievance and Disputes Procedure*.

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3.10 PERFORMANCE REVIEW

A review of an employee's performance will be undertaken in accordance with Council policy and procedures.

Additional reviews may be conducted on a needs basis.

PART 4 - WAGES AND ALLOWANCES

4.1 REMUNERATION

4.1.1 Employees hourly rate

No employee will be paid an hourly rate of pay, less than the hourly rate of pay they were being paid before making this agreement provided, following the employees assessment the employees' wage rate may decrease in accordance with the provisions of this agreement at *Clause 3.9*.

4.1.2 How much money are employees paid?

The wages paid to employees are those contained in the attachment *Schedule 'A' Wage Structure/Pro-rata Award Based Wages*.

Pro-rata Award Based Wages and the percentage of the Award wage payable will be determined based on the following assessment criteria:

- a) the task skills required and obtained within each *'Job Model'*;
- b) the output (performance/productivity) benchmarked against a group of employees with similar skills within each *'Job Model'* and the productivity of an employee without a disability doing the same or similar work;
- c) the level of supervision required for the employee within each *'Job Model'*;
- d) the training needs and frequency of training required by an employee to remain competent at each task within each *'Job Model'*; and
- e) the social and behavioural management of the employee and the impact the employees behaviors have on the employees work performance and productivity, and/or the impact on other employees of Council.

4.2 WAGE DETERMINATION

Employees' wages are based on how much work they do (*Output*), how well they do the work (*Performance*) and if the employee knows how to do the work (*Skills*).

4.2.1 Can employees be paid more money if they are more productive then other employees?

Council recognises that some employees may gain additional skills or perform at a higher level of output than other employees at a similar level of skill.

Employees who are recognised by Council to have obtained additional skills or to be performing at a higher level of output (*performance/productivity*) then the employees current wage level may be re-assessed in accordance with *Clause 3.8 Employee Advancement - How do employees progress to a higher 'Wage Level' and Schedule 'C' Wage Assessment Tool*.

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Following assessment, a *'Wage Level'* will be determined by Council in accordance with the *'Wage Level Table'* and applied to the relevant wage level contained *Schedule 'A' Wage Structure/Pro-rata Award Based Wages*.

4.3 WAGE INCREASES

Council will increase the rates of pay contained in *Schedule 'A' Pro-rata Award Based Wages*, on the 1st July each year, pro rata to, and in accordance with any *Annual Wage Increases* as contained in the Award.

PART 5 - HOURS OF WORK

5.1 HOURS OF WORK

Council will promote the concept of flexible work arrangement to meet the personal needs and family responsibility of employees. The provisions of this clause are designed to provide employees and Council with options to make flexible time a benefit to both parties.

The hours, and days worked by employees will be determined by Council in consultation with the employees and shall take into consideration;

- a) the operational needs of Council, and
- b) the special requests and needs of particular employees.

The hours and days of work determined by Council may be changed by mutual agreement between Council and an individual employee or the majority of employee(s) concerned.

5.1.1 Hours of work

The hours of work, shall be in accordance with the Award provision.

5.1.2 Start and finish times

The starting and finishing times will be set by Council taking into consideration the travel and family commitments of the employees. The working hours will be conveyed to each employee on commencement.

To meet operational needs the starting and finishing times may be altered by Council, but only following consultation and by mutual agreement with the employee(s) concerned.

PART 6 – ORGANISATION POLICY AND PROCEDURES

6.1 GRIEVANCE AND DISPUTES PROCEDURE

If an employee has a grievance or dispute with Council regarding their employment, with this agreement or another employee the process contained in this clause shall be followed provided it complies with the requirements under the NDIS Complaints and Resolution guidelines.

Notwithstanding the provision of this clause, an employee may choose to lodge a grievance or dispute complaint with either or both, the NDIS or the Award provisions in accordance with *Sub-clause 6.1.1*.

6.1.1 Grievance or Dispute with the Council, or about this agreement

To ensure the orderly conduct of and speedy resolution of disagreements, disputes, grievances or occupational health and safety concerns the Award provision shall be followed, provided, the employee has the right to request the employees' parent/guardian, carer, Union and/or advocate to assist as a support person for the employee in articulating the grievance or dispute.

6.2 DISCIPLINARY PROCEDURE

Whilst this agreement provides the right of Council to suspend an employee in a situation of Managing Challenging Behaviours (Refer: *Clause 2.1 - Managing Challenging Behaviours*) the parties agree that disciplinary action by way of a warning can be imposed where poor performance or misconduct did not warrant suspension or dismissal. In these circumstances it is agreed the Award disciplinary procedure shall be followed.

6.3 POLICIES AND PROCEDURES

Employees covered by this agreement agree to conform and abide by Council's policies, procedures, directions and Code of Conduct as issued and amended by Council from time to time.

For the avoidance of doubt the Council Policies, Procedures and Code of Conduct are not incorporated into this agreement.

PART 7 – WORK, HEALTH AND SAFETY

7.1 WORKPLACE SAFETY

Both Council and employees are committed to the safe operation of machinery and equipment, to the observance of safe working practices, the proper use of all personal safety equipment and to the safety and good health of all employees and other persons who may enter the workplace. To facilitate this, the following principles are agreed:

- a) it is Council's obligation as far as is reasonably practicable to provide a safe and healthy workplace;
- b) it is each employee's obligation to take reasonable care for the health and safety of other persons in the workplace who may be effected by their act or omissions and to co-operate with Council in ensuring that the workplace is healthy and safe;
- c) any worker becoming aware of a situation which is actually or potentially unsafe will immediately report the situation to their supervisor or an appropriate management representative;
- d) all issued safety equipment, clothing and footwear must be used and worn in the manner intended;
- e) it is strictly against the rules of the workplace to misuse, interfere with, or make inoperative, any safety equipment, guards, or fire protection equipment;
- f) horseplay at the workplace is dangerous and can lead to the injury of those involved or bystanders, and is therefore prohibited;
- g) any damage to safety plant or equipment must be reported to the supervisor or an appropriate management representative as soon as possible; and

Any breach of workplace safety rules and policies or of the above provisions may lead to disciplinary action and/or dismissal.

Employees agree to assist Council to ensure that increased effort is made to improve the understanding and awareness of safety issues.

7.2 TOOLS AND EQUIPMENT

Employees required to use hand/power tools or equipment must only use such tools and/or equipment under direct supervision unless, the said employee has received direct instruction from the employees' supervisor that they may use the tool(s) without supervision.

The supervisor when making the direction must ensure that the employee(s) have been appropriately trained and are competent to use the tools and equipment.

PART 8 - MISCELLANEOUS

8.1 SUPERANNUATION

The subject of Superannuation is dealt with extensively by legislation including the Superannuation Guarantee (Administration) Act 1992, the Superannuation Guarantee Charge Act 1992, the Superannuation Industry Supervision Act 1993, and the Superannuation Resolution of Complaints Act 1993.

Council shall provide a superannuation contribution on behalf of each employee as required by the relevant legislation.

Contributions shall be paid into each employee's account of an eligible fund nominated by the employee. Where an employee fails to nominate an eligible fund Council shall make contributions to Councils eligible default fund.

Council shall provide, where requested, training and assistance to employees in understanding the concept and benefits of Superannuation and the completion of an application form.

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PART 10 – SIGNING THE AGREEMENT

SIGNED FOR AND ON BEHALF OF

Mid-Western Regional Council:

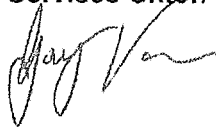
Signature:



Print name and position held:

Bradley Allan Cam General Manager
The United Services Union

Signature:



Print name and position held:

GARY VANN

Dated this *24* day of *11* 2023

SCHEDULE 'A'

WAGE STRUCTURE / PRO-RATA AWARD BASED WAGE

Pro-rata Award Based Wages in this agreement are designed to remunerate employees in a fair and equitable manner and are based on the acquisition of, and the use of competencies (*skills*) to a standard of performance linked to output (*productivity*).

The purpose is to provide an unbiased method of reward for all employees with a disability and particularly those employees who have medium to high level of disability and who require medium to high level of support and close to medium levels of supervision.

The system recognises individual achievements and facilitates opportunities for progression to higher wage levels through the development and acquisition of, tasks competencies, work associated competencies and performance.

A competency based wage system does not provide as a general rule a mechanism for determining the output (*productivity*) of an employee or a group of employees. The concept of competency standard assessment establishes the skill (*knowledge*) and the ability of an employee to apply that knowledge to undertake particular tasks. The wage assessment model contained in this agreement provides a mechanism for determining wages based on both competency and performance.

In determining a Pro-rata Award Based Wage it is important to compare the skill, or indicative tasks required to be undertaken by an employee without a disability and covered by the Award and remunerated accordingly, against the ability of a person with a disability to undertake the same tasks at the same level of performance. Additional to this comparison is the requirement of Council to take into consideration the provision of additional support to people with a disability that would not be required to an employee without a disability doing the same or similar work. Those additional considerations include:

- Consistency in the completion of the a task;
- Levels of supervision to complete a task;
- Frequency of training to remain competent to perform the task;
- Levels of performance and output (*individual measured productivity*); and
- Behavioural management issues that affect performance and productivity.

Within the Pro-rata Award Based Wage system there are three distinct areas of work performance and assessment to be undertaken

(Refer: **SCHEDULE 'C'** *Wage Assessment Tool*). They are:

1. **Task Competencies** – Specific set of skills undertaken, to directly complete a 'Whole Job'. A 'Whole Job' in this agreement is referred to as a '*Job Model*'.
2. **Work Associated Competencies** – General vocational skills (*referred to as 'CORE SKILLS'*) necessary to maintain successful employment. These skills for people with a disability include punctuality, working consistently and team work. Although Work Associated Competencies are included in the employees allocated '*Job Model*' they are **NOT** an assessable task for determining an employee's wages unless it has been determined by Council that the Work Associated Competency is an integral part of the employees allocated '*Job Model*'.

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It is also a key factor for employees with a disability to have a mix of social, work behaviour and vocational skills to successfully proceed to open and/or self-employment opportunities.

3. **Performance** – For people with a disability this is generally measured against levels of outputs generated by peers undertaking similar tasks, opposed to the more traditional measures of performance for people without a disability, which are measured against pre-determined outputs (*productivity*) established by management. In this agreement the measure of performance is a combination of both processes.

Performance is measured on those specific assessable tasks which an employee has been determined as competent, and have measurable levels of output on which, employees can have a direct impact on the outcomes.

The competencies required by an employee to complete a task at the required level of performance are contained in **SCHEDULE 'B' Job Models/Skills Matrix**.

The percentage of Award wages contained in the table below represents the average output levels benchmarked by a group of employees with similar skills and performance. It is calculated by the measurement of the performance of those employees with the skills at the respective levels, against the performance measures set by Council and able to be achieved by an employee without a disability.

The Pro-rata Award Based Wage Structure in this agreement is the basis for the provision of minimum rates of pay and is determined by a comparison of individual competencies (*skills*) contained in **SCHEDULE 'B' Skills Matrix/Job Models**, and the skills required by an employee covered by the Award relevant to the type of work undertaken.

This structure is the first stage of a three-step wages continuum towards open and/or self-employment. The three stages are:

- Pro-rata Award Based Wages (*Working in an Australian Disability Enterprise*);
- Supported Wage System (SWS) (*Working with host employers*); and
- Award Wages (*Open and/or self-employment*)

The three step process enables effective goals for all participants to be set in conjunction with the Individual Performance Plan (IPP) process and facilitates clear career paths available and identifies training deficiencies and needs for all employees.

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SUPPORTED EMPLOYEE'S PRO RATA AWARD BASED WAGES

The minimum wage rates contained in the example table below refer to the wage rates for a week comprising thirty eight (38) hours work. The Pro-rata Award Weekly Rate is calculated as follows: *Award Classification Wage Level* x performance percentage (% of Award Rate) = Pro-rata Award Weekly Rate ÷ 38 = Hourly Rate.

The Award Classification Wage Level contained in the table is the relevant classification and the minimum wage rates contained in the Local Government (State) Award 2023, Clause 5 – Skill Descriptors, and Part “B” Monitory Rates, Table 1, Band 1, Level 2 for the type of work undertaken by the employee.

EXAMPLE - WAGE LEVEL STRUCTURE FOR JOB MODEL

Recycling Employee Level 1

Award Classification – Operational Band 1 Level 2 and Monitory Rates - Part “B”, Table 1, Band 1, Level 2 as at 1st July 2023.

Wage Level	Skill Level Competencies Required	Award Classification Wage Level \$	% of Award Rate \$	Pro-rata Award Weekly Rate	Hourly Rate \$
1 Entry Level	<i>New Starter or High Support Needs)</i> An employee at this level is generally considered to be undertaking work Experience while being assessed as to the suitability of employment. Refer to: Wage level table - ScoreRange	947.10	10% minimum payment	94.71	2.49
2	Refer to: Wage level table - ScoreRange	947.10	10%	94.71	2.49
3	Refer to: Wage level table - ScoreRange	947.10	15%	142.06	3.74
4	Refer to: Wage level table - ScoreRange	947.10	20%	189.42	4.98
5	Refer to: Wage level table - ScoreRange	947.10	25%	236.78	6.23
6	Refer to: Wage level table - ScoreRange	947.10	30%	284.13	7.48
7	Refer to: Wage level table - ScoreRange	947.10	35%	331.49	8.72
8	Refer to: Wage level table - ScoreRange	947.10	40%	378.84	9.97
9	Refer to: Wage level table - ScoreRange	947.10	50%	473.55	12.46
10	Refer to: Wage level table - ScoreRange	947.10	60%	568.26	14.95
11	Refer to: Wage level table - ScoreRange	947.10	70%	662.97	17.44
12	Refer to: Wage level table - ScoreRange	947.10	80%	757.68	19.94
13	Refer to: Wage level table - ScoreRange	947.10	90%	852.39	22.43
14	Refer to: Wage level table - ScoreRange	947.10	100%	947.10	24.92

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*NOTE: The Award Classification Wage Level and the calculation of the pro-rata weekly and hourly rates in the above table **is an example only**, and may be changed depending on the type of work undertaken by the employee and the relevant award classification and/or wage level for the work being performed.*

SCHEDULE 'B'

SKILLS MATRIX / JOB MODELS

The Skills Matrix document is a working document and may be reviewed to meet changes in the way work is done and/or the introduction of new or altered work processes, or Work Streams.

The '**COMPETENCY STANDARDS**' contained in the Skills Matrix are a mixture of National Industry and Enterprise specific standards and represent the '**UNITS**' of skill (*tasks*) required to be undertaken by an employee within the nominated '**WORK STREAM**' to complete a '**WHOLE JOB**'. A whole job is defined as a '**JOB MODEL**'. A '**JOB MODEL**' is structured to contain both core and task related skills.

Each unit of skill has individual '**ELEMENTS**' and '**PERFORMANCE CRITERIA**', which must be referred to when assessing if an employee is competent in the skill. The elements and performance criteria of each unit of skill are documented using the '*SkillsMaster*©' system.

B 1 What are Competency Standards?

Competency Standards are statements of outcomes indicating the knowledge and skill, and application of that knowledge and skill, to the standard of performance required in the workplace.

The process of defining and developing standards may be undertaken on an industry or enterprise basis.

There are four (4) components of a competency standard. They are:

- Unit of competency
- Element of competency
- Performance criteria
- Range of variables statement – *this is used more in National standards where the performance criteria are more global in nature and where a range of equipment and operational environments are available.*

The concept of competency includes all aspects of work performance, which is:

- performing at an acceptable level of skill;
- organising one's tasks;
- responding and reacting appropriately when things go wrong;
- fulfilling a role in the scheme of things at work; and
- transfer of skill and knowledge to new situations.

NOTE: The process of confirming that a person has achieved competency is "Assessment".

Employees will have access to the '*SkillsMaster*©' system to identify skill deficiencies, training needs and career paths. The competency standards contained in the system may be expanded and further defined during the life of the agreement to enable all parties to have a clearer understanding of the skill requirements, employee performance (*output/productivity*) levels of each '**JOB MODEL**'.

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The aim of the process is to create a wage assessment model which rewards an employee according to the acquisition and utilisation of individual tasks, relevant to all of the tasks required to complete a whole job with components directly related to performance and output (*productivity*).

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**SKILLS MATRIX/JOB MODELS FOR SUPPORTED EMPLOYEES
(Employees' With a Disability)**

EXAMPLE – JOB MODEL – Recycling Employee Level 1

WORK STREAM – Waste Management

CORE SKILLS	TASK SKILLS
CS27 – Understand Personal Health and Hygiene requirements of the job	Refer to the Job Model contained in the SkillsMaster©System
CS13 – Using own workspace.	WM-E01 – Basic Recyclables Sorting
CS12 – Contribute to Health and Safety of the Workplace	WM-E02 – Recycling Housekeeping
CS10 – Maintain Personal Health and Hygiene.	WM-E03 – Recycling Safety
CS09 – Implement Emergency Procedures.	WM-E04 – Hazard Identification
CS05 – Making choices at work	WM-E06 – Independent Pickups
CS04 – Staying on the Job.	WM-E07 – Carry out minor maintenance of equipment
CS03 – Work Co-operatively with others.	WM-E08 – Work on a compactor truck
CS02 – Workplace Communication.	WM-E09 – Operate a container baler
CS01 – Basic Communication Skills.	WM-E10 – Operate a plastic press
CS25 – Cleaning Tasks.	WM-E11 – Operate plastic and paper conveyor
CS08 – Participate in a Team.	WM-E12 – Operate paper shredder
CS07 – Follow an established schedule	WM-E13 – Safety in the community
CS14 – Respond to Enquiries	WM-E14 – Operate cardboard press
CS16 – Basic workplace literacy.	WM-E15 – Sorting recyclables
CS15 – Basic workplace numeracy.	WM-E16 – Strap bales and pallets
CS11 – Take responsibility for own work	WM-E17 – Identify metals
CS22 – Assist in training others at Work	WM-E18 – E-recycling plant and equipment
CS19 – Plan and organise own work.	
CS18 – Workplace literacy.	
CS17 – Workplace numeracy.	
CS06 – Basic problem solving	
CS20 – Plan and organise others' Work	
CS28 – Contribute to Quality Control.	
CS26 – Participate in a team to achieve given tasks.	

SCHEDULE 'C'

WAGE ASSESSMENT TOOL (*SkillsMaster System*©)

In order to comply with legislative and quality assurance requirements, and to improve wage outcomes for supported employees the following model for wage determination and assessment (*SkillsMaster*©) system has been developed having regard to the following principles.

Principle 1

Each person with a disability enjoys working conditions comparable to those of the general workforce.

Principle 2

The organisation ensures that people with a disability, placed in open or supported employment, receive wages according to the relevant award, order or industrial agreement (if any) consistent with legislation. A wage must not have been reduced, or be reduced, because of award exceptions or incapacity to pay or similar reasons and if a person is unable to work at full productive capacity due to a disability.

Principle 3

*The organisation is to ensure that a pro-rata wage must be determined through a transparent assessment tool or process, such as the *SkillsMaster*© system, or another tool that complies with the criteria referred to in the Guide to Good Practice Wage Determination including:*

- *Compliance with relevant legislation;*
- *Validity;*
- *Reliability;*
- *Wage outcome; and*
- *Practical application of the tool.*

Principle 4

The organisation ensures that when people with a disability are placed in employment, their terms and conditions of employment are consistent with general workplace norms, and relevant Commonwealth and State legislation.

Principle 5

The organisation ensures that when persons with a disability are placed and supported in employment that they and where appropriate their guardians and/or advocates, are informed of how wages and conditions are determined and the consequences of this.

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C 1 How does the Assessment Tool operate?

Competency, performance and productivity assessment are completed for each employee with a disability and a percentage of the award wage is determined based on those results.

Each employee with a disability is assessed according to their ability to undertake the tasks contained in the Skills Matrix/Job Model relevant to the employees Work Stream.

There are two stages of the assessment process:

1. **Competency Assessment** – Assessment of an employees' ability to undertake each task within the Skills Matrix/Job Model. The outcome of the assessment will determine if the employee is competent or not competent to perform the assessed task. This process is called a skills audit.
2. **Performance and Output Assessment** – Assessment is made of employees' performance and output against pre-determined criteria established by the organisation having regard to the performance and output of a non-disabled employee covered by the Award and doing similar work. Such criteria, is benchmarked against the performance and output of a group of disabled employees with similar skills and undertaking similar tasks.

When an employee has been assessed as competent (Refer: (1) above) a further assessment is undertaken (Refer: (2) above) to establish the level of performance and output of the employee.

To establish the level of performance and output '**Table (1) - Assessment Guide**' is used with the employee being rated against only those tasks determined by the competency assessment, as establishing competence of the employee.

The assessment categorises employees into ratings of performance which attracts a performance score between:

'Excellent' score (6)

(Able to perform at the same level of output as a non-disabled employee); and

'Not Competent' score (0)

(The employee has been assessed as not competent in the unit of skill)

The performance rating is applied to each **Task Skill**' contained in the Skills Matrix/Job Model.

Each rating has a corresponding score which is applied to each of all the tasks the employee has been determined as being competent. All the scores for each task are totaled and compared to '**Table (2) - Wage Level Table**' with the employee being placed at the appropriate wage level relevant to the employees score range.

The overall process enables effective goals to be set for all participants in conjunction with the Individual Performance Plan (IPP) process and facilitates clear career paths available and identifies skills gaps and training requirements for all employees.

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C 2 Transitional Arrangements

Employees prior to formal assessment being conducted will be placed into the most appropriate transitional level pending the outcome of the assessment. The employees' transitional level will be determined taking into consideration the employees' pre-employment skills assessment or the employee's current wage against the wage levels contained in *Schedule 'A' Wage Structure/Pro-rata Award Based Wages*. The assessment should be conducted during the first six months of the introduction of the system.

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Table (1) – EXAMPLE - PRODUCTIVITY ASSESSMENT GUIDE

ASSESSMENT GUIDE		
Assessment Criteria	Ratings	Score
Employee can set up a job or perform the task with minimum supervision to a very high standard with output at the same or above the average level of a non-disabled employee. Generally an employee achieving this level would be performing at the same level as a non-disabled employee and able to work from simple specifications, carry out routine maintenance of plant and equipment and use all plant, equipment and hand tools necessary to complete the task.	E = Excellent	6
Employee can set up a job or perform the task with minimum supervision to a very high standard following training. The employee has well above average levels of output.	VG = Very Good	5
Employee can use required plant, equipment and hand tools or perform required tasks under minimum supervision following training. The employee has above average levels of output. Plant and equipment would be set up by a support worker	G = Good	4
Employee can use required plant equipment and hand tools with supervision or can perform the required task consistently with supervision and irregular frequency of training. The employee is achieving average levels of output and minor behavioural problems.	F = Fair	3
Employee can use required plant, equipment and hand tools with supervision, or can perform the required task consistently with supervision and medium frequency of training. The employee achieves below average levels of output and behavioural problems.	P = Poor	2
Employee can use required plant, equipment and hand tools with high level of supervision or can perform required task consistently with high level of supervision and regular frequency of training. The employee has very low levels of output and behavioural problems effecting performance.	VP = Very Poor	1
Employee has not been trained or is unable too, or cannot carry out the required task consistently without high levels of supervision and frequent training. The employee has no measurable levels of output and has severe behavioural problems.	X = Not Competent	0

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Table (2) – EXAMPLE - PRO-RATA AWARD WAGE CALCULATOR

WAGE LEVEL TABLE		
SKILL LEVEL	SCORE RANGE	% OF AWARD RATE
Entry Level (Minimum Payment)	1 – 11	5%
Level 1	12 – 17	10%
Level 2	18 – 23	15%
Level 3	24 – 29	20%
Level 4	30 – 35	25%
Level 5	36 – 41	30%
Level 6	42 – 47	35%
Level 7	48 – 53	40%
Level 8	54 – 59	45%
Level 9	60 – 71	50%
Level 10	72 – 83	60%
Level 11	84 – 95	70%
Level 12	96 – 107	80%
Level 13	108 – 119	90%
Level 14	120	100%

The score ranges contained in the above example table are those determined for a 'Job Model' containing twenty (20) assessable tasks. If there is a change to the number of tasks contained in each assessed 'Job Model' the table is re-calibrated using the following formula.

Each level of the tables score range is established by multiplying the percentage of the Award Rate by the total number of score point available. The total number of score points available is established by multiplying the maximum number of score points available per task being six (6) by the number of assessable tasks contained in the 'Job Model' to be assessed.

Example: *If the 'Job Model' being assessed contained twenty nine (29) tasks the maximum score available to achieve a one hundred percent 100% of the award wage would be one hundred and seventy four (174) points.*

*Therefore: Level 1 "Score Range" would be 17 – 25
Level 2 "Score Range" would be 26 – 34
Level 3 "Score Range" would be 35 – 43
Level 4 "Score Range" would be 44 – 51
Level 5 "Score Range" would be 52 – 60 etc....*

The percentage of the Award rate will always remain constant.

ASSESSMENT IN A COMPETENCY-BASED SYSTEM

Assessment in a competency-based system is the assessment of a person's competency (*skill*) against prescribed standards of performance. The key concepts are *competency* and *assessment*. Both *competency* and *assessment* have the standard meanings as those described by the National Training Board.

C 3 What is the definition of competency?

Competency comprises the specification of knowledge and skill and the application of that knowledge and skill to the standard of performance required in employment. The concept of competency includes all aspects of work performance. This includes:

- Performance at an acceptable level of technical skill;
- Performance to an acceptable level of output (*productivity*);
- Organising one's tasks;
- Responding and reacting appropriately when things go wrong;
- Fulfilling a role in the scheme of things at work; and
- Transfer of skills and knowledge to new situations.

C 4 What is the definition of assessment?

Assessment is the process of collecting evidence and making judgement on the extent and nature of progress towards the performance requirements set out in a standard or learning outcome. Assessment in a competency-based system is the process determining whether an employee meets the prescribed standard of performance, i.e. whether they demonstrate the competency level required at each level within the competency structure.

C 5 What is the definition of evidence?

Evidence comprises a wide range of measurable aspects of performance. These include:

- Measurements of products made or services delivered;
- Observations of processes carried out;
- Measurement of knowledge and understanding; and
- Observation of attitudes demonstrated.

Evidence can be collected in many ways. Some evidence may be obtained through physical measurement of product, (*productivity*).

Evidence can be:

- Direct;
- Indirect or alternative; or
- Supplementary.

Direct evidence is observation of the actual performance of an employee carrying out normal work tasks.

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Indirect or alternative evidence of performance is used in situations where the assessment of the performance of an employee carrying out actual workplace tasks either is not possible or is undesirable. E.g. Special projects simulation and proficiency tests.

Supplementary evidence of performance may be necessary to check that an employee can perform competently in various environments, unusual circumstances or in situations that only occur rarely and are difficult to simulate.

A combination of direct, indirect and supplementary forms of evidence will be used when making an assessment.

C 6 What is the definition of judgment?

Judgment is the process of comparing sufficient evidence of an employee's achievements with the required performance criteria and making a decision as to whether the necessary competence has been demonstrated or not.

Judgment should be kept as objective as possible by detailing the type and form of the evidence to be used, the criteria to be applied and the rules by which decisions will be made. However, all assessment is inevitably dependent upon a degree of informed subjective judgment.

C 7 What is the Purpose of Assessment and of Assessment Systems?

Assessment is the process of collecting evidence and making judgements on the nature and extent of progress towards the performance requirements set out in a standard, or a learning outcome, and, at the appropriate point, making the judgement as to whether competency has been achieved.

Assessments are conducted to:

- Assist and support an employee's gaining of competency in the workplace by monitoring the quality of their work performance and the rate of progress towards the achievement of the competency standard;
- Enable supervisors and training personnel to identify what skills or individual or a number of employees working in a related area holds competencies. This process will assist to identifying the education and training needs of an employee or group of employees with the objective of avoiding unnecessary training;
- Determine whether an employee has achieved a particular unit of competency, or set of competencies, for the purpose of:
 - a) Confirmation of quality and level of performance;
 - b) Formal recognition of the employee's skills;
 - c) Placement within Levels Structure; and
 - d) Readiness for progression to a higher level within the structure.

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C 8 What is the role of the assessment system?

The role of the assessment system is to:

1. Determine the benchmarks against which assessment decisions will be made;
2. Gather evidence in relation to the established benchmarks;
3. Make the assessment decision;
4. Record the results; and
5. If relevant, issue the appropriate certification when the benchmark requirements have been met.

A person qualified as a '*Workplace Assessor*' internal or external to the organisation should be consulted and/or oversee the conduct of all assessments.

C 9 What is the role and responsibility of an assessor?

The primary role of the assessor is to judge the available evidence against the pre-determined standards. Assessors must, therefore, have knowledge of the areas in which they are assessing and the judgmental role may be combined with the collection of evidence. The assessor is required to:

- Interpret the criteria;
- Use expertise to make judgements;
- Ensure that standards have been met; and
- Ensure that evidence of competency is sufficient.

Assessors should be aware of the importance for assessments being unbiased, fair and flexible. The results of assessments should be reviewed by the organisations Workplace Assessment Panel.

A mechanism must be in place to allow employees to appeal a decision of the Workplace Assessment Panel regarding the assessment or the assessment process.

Such appeal should be in accordance with *Clause 6.1 Grievance and Disputes Procedure - What do employees do if they have a grievance or a dispute with the organisation or another employee?* Of this agreement.

