

30<sup>th</sup> October 2013

**Australian Human Rights Commission  
GPO Box 5218  
SYDNEY NSW 2001**

Dear Commissioner

**Re: Support for the “Application for temporary exemption under section 55 of the Disability  
Discrimination Act.”**

Finding Workable Solutions operates several Australian Disability Enterprises (ADE) funded through FaHCSIA as well as providing Disability Employment Services and Job Services Australia contracts funded through DEEWR. We have been in operation since 1986 and have employed people with disabilities since that time.

We are writing to express our concern over the recent court decisions regarding use of the BSWAT and in support of the above application for exemption. While we currently use our own approved assessment tool, we believe that the application for exemption has merit and that exemption from clauses 15 and 24 of the DDA for ADE’s and section 29 for officers of the Commonwealth, for a period of three years will allow time for further consultation, with stakeholders and detailed assessment of the current wage tools in place without fear of further court action.

This will ensure that as an ADE and Disability Employment Services provider we remain compliant with standard 9 of the Disability Standards regarding employment. If we were found to be non-compliant in this area we would no longer be funded to provide these services and all our current employees would lose their employment. This would adversely impact the very workers that the DDA and Disability standards are trying to protect.

Further analysis of the current wage tools needs to be conducted with time to ensure that appropriate wage assessments are put in place which meet client needs as well as ensure that Disability Enterprises can remain viable. Careful consideration must to be given to the value of ADE’s in providing supported employment to some of our most disadvantaged clients. Setting wage minimums too high could mean that those of our clients who are the least productive and with the most significant disabilities, would not be able to be employed, as their productivity level would mean it is not viable for us as an organisation to employ them.

The exemption will allow time for alternative wage assessment arrangements to be considered, established and implemented across the sector without disruption for the workers currently working within the system.

Finding Workable Solutions believes that this submission should be considered favourably to ensure stability for businesses and workers currently within the sector while alternatives are investigated and implemented.

Yours sincerely,

**Anita Saunders**

**General Manager Business Development**