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Department of Social Services

Legal Section

Australian Human Rights Commission

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Dear Sir/Madam

Re Australian Disability Enterprise employees – BSWAT Assessments.

Recently my foster gentlemen received letters re above – with an invitation to have a say.

Their names are Wayne and Warren Brown.

Their finances are handled by Public Trust (OPC) NSW.

At this point I will say I did try to explain the booklet and contents to my foster gentlemen – but due to the nature of their intellectual disability no matter how I tried to explain and presented the information to them, they do not have the capacity to process the information and offer a valid and informed opinion unfortunately. All they know is that they go to work every day, love their job and the OPC continues to put their weekly allowance in the bank.

To introduce myself:

My name is Leonie Hayne – I am foster mum and along with my husband, Tony Hayne, legal guardians to the above mentioned, Warren and Wayne Brown, aged 47 – twins actually – who have an intellectual disability and work at Endeavour Business Service at Burleigh Heads Qld – five (5) days a week.

Until last year I also worked for Endeavour Foundation as a Senior Disability Support Worker for over eight (8) years. My particular role for the last six (6) years with Endeavour, was as a live-in carer – week on – week off – in a residence for twelve (12) clients and all of them worked at either Endeavour Burleigh Heads or Southport.

Having said that – when I first went to this particular residence, one of the clients worked at outside employment (Sizzlers at Broadbeach) and two (2) at House With No Steps – on a part time basis – but over the course of time – these three sought and were given positions at Endeavour Burleigh Heads – with two (2) being full time and the other one four days a week – by his choice.

All of these clients had varying degrees of an intellectual disability with a minority having a physical disability as well, of a minor degree.

Therefore I feel my experience overall allows me the insight to offer an opinion regarding the BSWAT – or any assessment tool as a whole.

I do believe there should be a tool used to assess wages for people in supported employment – but not knowing how the BSWAT works in particular – on that I can offer no opinion – other than there does need to be an assessment tool of some description.

As with all facets of employment, employees have varying degrees of capabilities – with some being really good at one task and unable to do another.

I am aware from my clients I worked with, two were nearly on full wage – whereas another earned only 50 cents an hour – and judging from their capabilities around their home – this seemed pretty fair to me – in these three cases.

Again, from my experience – many of these employees cannot read nor write – one of my clients was so very capable with practical things – he could mend anything, but totally illiterate. The job he worked at, in my opinion, did not take this into account and did not utilise his capabilities – and the flip side of this, one of the other clients could read and write quite well, but was useless at practical tasks. The fact that these differences weren't taken into account could have been the fault of the particular Business Service they worked at and the assignment of tasks. Not knowing makes it hard to offer an opinion regarding assessment re wages in these two cases.

On a more personal involvement – my two foster gentlemen, Warren and Wayne, began working at Endeavour Business Service in Burleigh Heads nearly three (3) years ago. Without going into great detail – they moved from Sydney to be nearer myself due to family re-adjustment. Prior to moving up here – Tweed Heads and Burleigh Heads for work – they lived and worked in Sydney all their lives. They worked as car detailers for at Blacktown car yard for over twenty (20) years – three (3)

days a week and from what I understand were paid an agreed wage. All that time they were classed as “casual” and upon leaving to relocate were not paid long service etc etc. This to me is NOT fair.

Like most people who attend supported employment they love their job, they are more than happy to go every day and put in 100% - and rarely take sick leave.

Warren and Wayne have only been assessed once by BSWAT – and this was three/four months after they first started at Endeavour. Wayne was assessed at \$3.00 an hour and Warren at \$2.00 (or close enough to those figures).

Since then – the BSWAT has been stopped and I did call regarding this when I received the first letter regarding the BSWAT being put on ‘hold’. I was told they would be ‘back paid’.

I expressed my opinion then that I felt this was unfair. Warren and Wayne had never worked in this sort of employment – they had to adjust and learn a whole lot of different things – including workplace safety.

I felt they should have been re-assessed earlier than the required two (2) years to take into account their growing confidence.

Since then – in my opinion, and from what I have been told at the Goal Meetings my husband and I attend for these gentlemen at Burleigh – they are both now very capable and work very efficiently at any task assignment. Also willingly!!

I believe the BSWAT should be used for a limited time, until a better tool is worked out to assess wages.

The BSWAT – in my opinion – was working fine. There were issues – again my opinion – that needed addressing – like taking into account the person’s ability to totally comprehend the questions and being able to express the answers – not always possible – but overall, from what I have witnessed in my working and personal experience – it – the BSWAT – or some tool is needed.

I also believe that Business Services, regardless of the ‘owner’ have a place in society. People with a disability need and are entitled to be employed – if they choose so – they enjoy going to work, and let’s face it – often they do jobs no one else wants to do. Also again, from personal experience, they are better off working in a Business Service – or a place – where they are paid according to their capabilities and assessed accordingly and protected by law. Too often, jobs obtained for people with a disability are used by the employer to take advantage of a willing and capable person and wages not paid fairly or justly.

I am happy to have my name used – and Warren and Wayne’s (as legal guardian I can authorise that) – in any publication or discussion regarding this issue.

Many thanks

Leonie Hayne

Tony Hayne