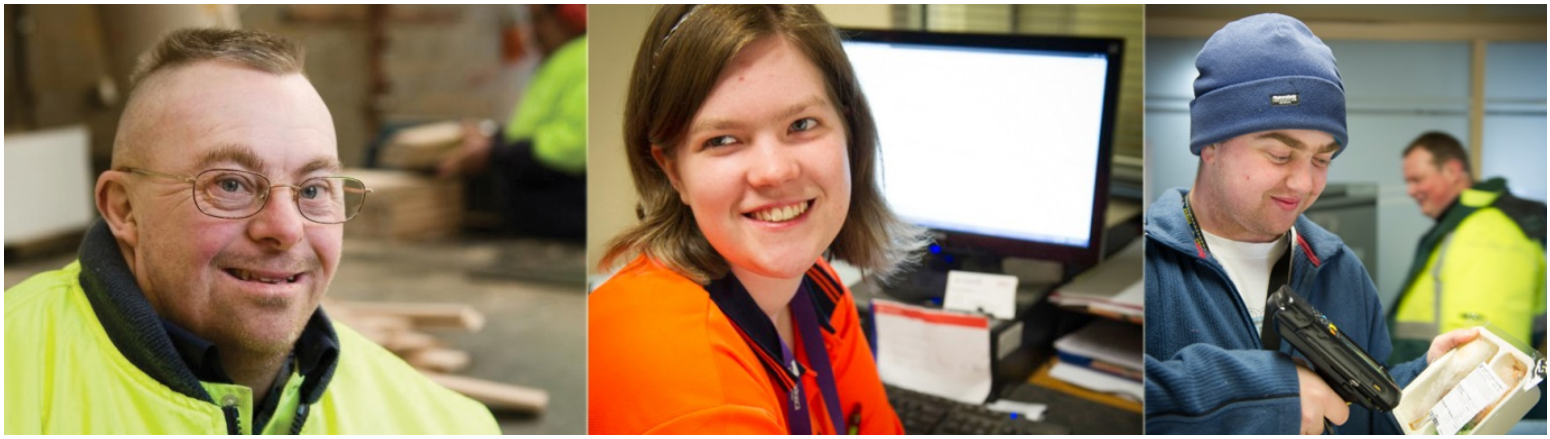
Australian Government

Department of Social Services



News about the BSWAT

Information for supported employees about the recent decision by the Australian Human Rights Commission

Easy Read version

How to use this document

This information is written in an easy to read way.

We use pictures to explain some ideas.

Some words are written in **bold**. We explain what these words mean. There is a list of these words on page 9.

You can ask for help to read this document.
A friend, family member or support person may be able to help you.

This Easy Read document is a summary of another document.

If you want to read the full version of the original Australian Human Rights Commission document, please visit their website at
www.humanrights.gov.au

There is more information about the Australian Human Rights Commission on page 6.

What is this document about?

This document is about how **supported employees** get paid.

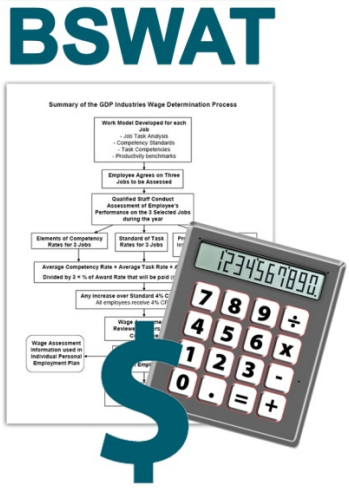
Supported employees are people who work for **Australian Disability Enterprises**.

Australian Disability Enterprises

More than just good business

These are businesses that employ people with disability. In this document, we call these businesses ADEs.

At the moment, the ADEs use a few different tools to work out how much their supported employees should be paid.



One of these tools is called the

‘Business Services Wage Assessment Tool’.

This is known as the BSWAT.

The BSWAT may be used in your workplace.

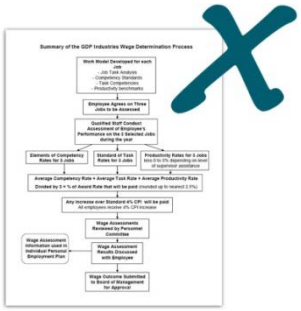
Or, your workplace may use another tool.

The BSWAT and the law

In 2012, 2 supported employees – Michael Nojin and Gordon Prior – said that they were not being paid fairly.

Their workplace used the BSWAT to work out how much supported employees were paid.

They took their case to court.



The judges in the court decided that using the BSWAT was not a fair way of working out how Mr Nojin and Mr Prior should be paid.

Since then, a lot of work has been done to try to make sure this doesn't happen again.

We have written to you about this before.

The government agrees that we need to stop using the BSWAT as it currently is.

However, we think that it will take time to get everyone who uses the BSWAT using a new tool.

The Australian Human Rights Commission decision

The **Australian Human Rights Commission** makes sure that people in our community are being treated fairly.

In this document, we call them the Commission.

Last year, the Department of Social Services wrote to the Commission.

We asked them if we could have 3 years to help ADEs to:

- stop using the BSWAT
- start using a different tool.

But they said that we could have 1 year.

People were asked if this was a good idea. There were many different ideas and opinions about the request.

Recently, the Commission made an important decision about our request.

They said that ADEs have 1 year to stop using the BSWAT and start using another tool.

They said that other tools are currently available for working out wages.

And they said that it is important for people with disability to be treated fairly at work.

When did the decision take place?

The Commission announced its decision on 29 April 2014.

Not everyone agrees with the decision.

Some people have asked for the decision to be looked at again.

This may take some time.

In the meantime, what does the Australian Government have to do?

During the 1 year period, the Australian Government needs to:

- do everything we can to help ADEs start using a different wage tool for current workers

- make sure that people don't get paid less during this time

- write a report for the Commission every 3 months.

What do ADEs need to do?

During the 1 year period, ADEs need to:

- start looking at using a different wage tool

- make sure that people don't get paid less than they receive now during this time.

Where can you get more information about the BSWAT?

You can phone us, send us an email or visit our website.

1800 880 052

bswat@dss.gov.au

www.dss.gov.au

Word list

Australian Disability Enterprises

Businesses that employ people with disability. In this document, we call these businesses ADEs.

Australian Human Rights Commission

This is an organisation that works to protect people's rights and make sure we are all treated fairly.

In this document, we call it the Commission.

Supported employees

Supported employees are people who work for Australian Disability Enterprises.