



DES Wage Start Subsidy Guidelines

V 1.0

Disclaimer

This document is not a stand-alone document and does not contain the entirety of Disability Employment Services Providers' obligations. It should be read in conjunction with the Disability Employment Services Grant Agreement and any relevant guidelines or reference material issued by the Department of Social Services under or in connection with the Disability Employment Services Grant Agreement.

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Disability Employment Services Wage Start Subsidy Guidelines

Document Change History

Version	Effective date	End date	Change and location
1.0	1 July 2018		Original version of document

Explanatory Note

All capitalised terms have the same meaning as in the *Disability Employment Services Grant Agreement* (the Grant Agreement). In this document, 'must' means that compliance is mandatory and 'should' means that compliance represents best practice and that compliance is discretionary. All reference to "Wage Subsidy Agreement" is specific to Wage Start Agreement, and similarly "Wage Subsidy" is specifically Wage Start.

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Summary

This Guideline details the requirements for Providers to manage new Wage Start Subsidies from December 2017 and sets out the rules that apply to Wage Start under the Grant Agreement.

Policy Intent

From December 2017, Wage Start will complement the 2018 Disability Employment Services (DES) program reforms announced in the 2016-17 Budget, with a greater focus on employers to further improve employment opportunities for people with disability.

Wage Start subsidies are designed to encourage Employers to hire eligible job seekers in sustainable jobs by contributing to the initial and ongoing costs of recruitment, including training and wages.

The subsidy will be offered to jobseekers that are either:

- 1. employed for at least 15 hours per week;
 - a. after being unemployed and receiving DES support for a minimum of 12 months, and
 - b. having been assessed to have a benchmarked work capacity of 15 hours or more per week, and
 - c. are not eligible for the Restart wage subsidy (for jobseekers who are 50 years of age or older).

OR

2. employed for at least 15 hours per week, having been hired during or on completion of a Youth Jobs PaTH Internship.

The \$6,000 value of the Wage Start subsidy reflects the wage levels earned by DES job seekers employed in jobs of 15 hours or more over 26 weeks, while not exceeding 100 per cent of this wage.

Arc Record Number: D18/288299

Relevant References

Reference documents relevant to this Guideline include:

- Documentary Evidence Guidelines
- Learning Centre website
- Vacancy, Job Seeker Placement and Job Seeker Outcome Guidelines
- Employment Services Risk Management & Programme Assurance

Wage Subsidy Information

Process	Details
Allocation of Wage Start Placements	The Wage Start subsidy is available only to DES providers under a limited release of around 1,700 placements per financial year. This is to ensure that the subsidy budget is not over-subscribed, while enabling assistance to those job seekers most in need.
	Allocations will be made to DES providers based on their caseload of Wage Start eligible job seekers, while ensuring that all DES providers receive a minimum allocation.
	The Department will monitor the creation of Wage Start Agreements to ensure that DES providers do not use more than their allocation.
	DES providers are expected to use these wage subsidy placements to maximise eligible participants' chances of gaining ongoing and sustainable employment. The Department will review the sustainability of the Wage Start employment positions created, and this information will guide future subsidy policy development by the Department.
Participant Eligibility Disability Employment Services Grant Agreement Clauses References:	Wage Start has specific eligibility criteria to ensure that the assistance is appropriately targeted. Providers must only enter into and pay a Wage Start Agreement once the Provider has confirmed that all eligibility criteria has been met. It will be the DES provider's responsibility to ensure that the DES provider does not use more Wage Start subsidies than it has allocated in the financial year.
Clause 101.1	The Department's IT Systems will help determine eligibility, however, the Provider is also required to determine eligibility in accordance with the Grant Agreement and this Guideline. If a Provider believes that the Department's IT Systems have incorrectly determined eligibility, they should contact the Department through their Account Manager to discuss the issue.
	A job seeker can only be eligible for, and receive, one Wage Subsidy at any given time. A job seeker who meets the eligibility requirements is a Wage Subsidy Participant (Participant).
	A job seeker is eligible for the Wage Start Subsidy if they are:
	 employed for at least 15 hours per week; a) after being unemployed and receiving DES support for a minimum of 12 months, and b) having been assessed to have a benchmarked work capacity of
	15 hours or more per week, and

Process	Details	
	c) are not eligible for the Restart wage subsidy (for jobseekers who are 50 years of age or older).	
	OR	
	employed for at least 15 hours per week, having been hired during or on completion of a Youth Jobs PaTH Internship.	
	The subsidy is paid for a maximum period of 26 weeks.	
Family Members	Participants must not be immediate family members of the Employer. Specifically, a Participant cannot be a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the Employer. In addition, a Participant's spouse or de facto partner cannot be a child, parent, grandparent, grandchild or sibling of the Employer.	
Placement	A Wage Start Placement must:	
Eligibility	 be declared by the Employer in the Wage Subsidy Agreement as a sustainable, ongoing position expected to last beyond the period of the Wage Subsidy Agreement, where the Employer knows of no reason why the job would not continue indefinitely 	
	 comply with minimum standards for Employment as established under relevant Commonwealth, State or Territory law (including any award conditions applicable to the position) 	
	be recorded by the Provider in the Department's IT Systems	
	 not be in pre-existing Employment with the Employer within the previous 12 months 	
	not displace an existing employee	
	 not be a commission-based, self-employment or subcontracted position 	
	 not otherwise be a Non-Payable Outcome as defined in the Grant Agreement. 	
,	A Wage Start Placement may be:	
	full-time, part-time or casual Employment	
	an apprenticeship or traineeship	
	found by the Provider or directly by the eligible job seeker.	
	Minimum Working Hours	
	Wage Start Placements must be for at least 15 hours per week over the six month duration of the Wage Subsidy Agreement.	
	Leave	
	All periods of approved leave, whether paid or unpaid, count towards the Participant's hours worked and are treated as though the Participant was at	

Details
work for their regularly scheduled hours. Where a Participant worked variable hours prior to their leave, the Provider must consider their averaged weekly hours as their regular hours.
For example, a Participant who worked 15 hours in the first week, 10 hours in the second week, 20 hours in the third week and then takes two weeks leave, is considered to have worked the average of 15 hours per week during their leave.
Work Trials
Wage Start is available for job seekers participating in paid work trials. Paid work trials are not considered pre-existing Employment. Wage Start can either begin at the start of a paid work trial, or at the end of the paid work trial when ongoing Employment commences.
Wage Start is not available for job seekers participating in an unpaid work trial, including work experience or internships.
Wage Start can be used for Employment that commences after an unpaid work trial ends. Unpaid work trials are not considered pre-existing Employment for the purpose of this Guideline.
Concurrent Australian Government Wage Subsidies
Only one type of Wage Subsidy can be claimed for each Wage Start Placement.
Concurrent Funding (other government sources)
Employers must not access a Wage Start subsidy if they receive a wage subsidy or other employment incentive from any other Australian Government sources, with the exception of the Australian Apprenticeships Incentive Programme.
Apprenticeships/Traineeships
Australian Apprenticeship and Traineeship vacancies are eligible under Wage Start as long as they don't provide an additional Commonwealth or State/Territory government wage subsidy or wage support component. Examples of vacancies that are not eligible include those that attract Disabled Australian Apprentice Wage Support (DAAWS) and Support for Adult Australian Apprenticeship payment (where it is paid to the Employer).
A Wage Subsidy Employer
 must be a legal entity with an Australian Business Number (ABN) must not be an Australian Government or State/Territory government agency must not have previously received a Wage Start subsidy payment for the same Participant must not be part of the Provider's own organisation or Related Entity as defined under the Grant Agreement can be a labour hire company or group training organisation, provided

Process	Details
Annexure A – Definition: Own Organisation	assignments meet the eligibility criteria of the Wage Subsidy Placement and Employer.
J	Where a labour hire company or group training organisation is the Employer, they must disclose to any relevant host organisation that a Wage Subsidy is potentially available for the Wage Subsidy Placement.
	Change of Business Ownership
	Where an Employer's business changes ownership, the new owner will be eligible to claim the remaining Wage Subsidy, provided all other eligibility criteria and program requirements are met. If the new owner is eligible and wishes to claim the Wage Subsidy, the Wage Subsidy Agreement must be novated between the parties in accordance with their own legal advice.
Negotiation of Wage Subsidy Agreement with	The Wage Start Agreement consists of both a Head Agreement and a Schedule.
the Employer	Providers must enter into a Head Agreement with each Employer. The Head Agreement contains the general terms and conditions of the Wage Subsidy Agreement.
	Each time a Participant is placed into a Wage Start Placement with that Employer, Providers must attach a separate Schedule to the Head Agreement which contains the specific details of the Wage Start Placement. Each Schedule together with the Head Agreement forms a separate Wage Start Agreement between the Provider and the Employer in relation to that Wage Start Placement.
	Providers must explain the Wage Start Agreement's terms and conditions to the Employer to ensure they fully understand their rights and obligations in accepting the Wage Subsidy.
	Where the Wage Start agreement is signed online, both the Provider and the Employer must sign the Head Agreement electronically through the Department's IT Systems within 12 weeks (84 calendar days) of the first Participant commencing in a Wage Start Placement. When negotiating Head Agreements, Providers can direct Employers to register on the JobSearch website or download the jobactive Employer App from the Play Store or iTunes if they are not already registered.
	Head Agreements can be signed offline if necessary, but Providers must still approve the Head Agreement online within 12 weeks of the first Participant commencing in a Wage Start Placement.
	Before attaching a Schedule to the Head Agreement, Providers must negotiate and agree on the terms of the Schedule with the Employer. Providers must then attach the Schedule to the Head Agreement within 12 weeks of the Participant commencing in the Wage Start Placement using the Department's IT Systems.

Process	Details
	Providers must not pay a Wage Subsidy before the Wage Subsidy Agreement is Approved in the Department's IT Systems.
	The Head Agreement Term commences on the date the Head Agreement is signed by the last party to do so and ends on 30 June 2020. The Wage Subsidy Agreement Term commences on the date the Wage Subsidy Placement starts (Wage Subsidy Start Date) and ends 6 months from that date (Wage Subsidy End Date).
	If, during the Head Agreement Term or Wage Subsidy Agreement Term, the Provider is notified or determines that updates or changes are required (for example, contact details for the Employer change), the Provider must agree on the changes with the Employer and update the Wage Start Subsidy Agreement in the Department's IT Systems.
Supporting Participants on	It is the policy intent that this subsidy be used to support employment placements to be ongoing after the subsidy period has ended.
Wage Subsidies	Providers should offer post placement support, including offering interventions such as professional services, to Participants as required. This will allow Providers to support the Participant and the Employer to maximise the success of the Wage Subsidy Placement, and the Participant's chances of ongoing employment after the placement has finished.
	Contact with the Employer during post placement support also assists in ensuring that the Employer is aware of their obligations under the agreement, and allows Providers to assist the Employer and Participant with any issues should they arise.
Wage Start Amount	\$6,000 (GST inclusive) is payable per Wage Start Subsidy Placement for Employment of a six month duration that satisfies all other requirements in this Guideline.
Flexible Payments	Flexible payments of Wage Start can be made to Employers, as agreed in negotiating the Wage Subsidy Agreement.
	The agreed Wage Subsidy Periods for the flexible payment arrangements must be recorded in the Wage Start Subsidy Agreement in the Department's IT Systems.
	The Provider must enter into a Wage Subsidy Agreement with the Employer, and all eligibility criteria for the Participant, Wage Subsidy Placement and Employer must be satisfied before the Provider makes payments to the Employer.
	Providers must only make a flexible payment of the Wage Subsidy for each Wage Subsidy Period after the Employer submits Documentary Evidence demonstrating that the Participant has worked an average of at least 15 hours per week from the Wage Subsidy Start Date.
	For example:
	if the Participant has been employed for eight weeks and the Employer declares through the jobactive Employer App that the Participant has

Process	Details		
	worked an average of at least 15 hours per week for those eight weeks, the Provider must make the relevant flexible Wage Start payment		
	 if the Participant has been employed for twelve weeks but the Employer declares through the jobactive website that the Participant has not worked an average of at least 15 hours per week for those 12 weeks, the Provider must withhold the relevant flexible Wage Start payment until such time as the Participant has worked an average of at least 15 hours per week from the Wage Subsidy Start Date 		
	 if the Employer declares that the Participant has worked an average of at least 15 hours per week over the six month duration of the Wage Subsidy Agreement (a minimum of 390 hours), the Provider must pay the full Wage Subsidy. 		
	Flexible payments must not be in excess of 100 per cent of the Participant's wages over the six month period of the Wage Subsidy Agreement. Providers should ensure that flexible payments do not exceed 100 per cent of the wages paid at any point in time.		
	Providers may recover any flexible payment of the Wage Subsidy made to the Employer where the Employer has not met the terms and conditions of the Wage Subsidy Agreement, or the Employer has engaged in any fraudulent practice in relation to Wage Subsidies.		
Pro Rata Payments	Where a Wage Start Placement ceases prior to the Wage Subsidy End Date, the Provider must pay any outstanding Wage Subsidy payments to the Employer on a pro rata basis for the period that the Participant worked an average of at least 15 hours per week from the Wage Subsidy Start Date.		
	For example, if a Participant ceases Employment after 13 weeks (50 per cent of the six month term of the Wage Subsidy Agreement) and the Participant worked an average of 15 hours per week over that full 13 week period, the Employer is entitled to 50 per cent of the total Wage Subsidy.		
Payment to	Payments to Employers		
Employers and Claims for Reimbursement	The Provider must make payments out of their own funds to the Employer specified in the Wage Subsidy Agreement.		
Disability Employment Services	Providers must withhold payments where it is found that an Employer is not fulfilling its obligations under the Wage Subsidy Agreement.		
Grant Agreement Clauses References:	Claims for Reimbursement		
Clause 101.2Clause 101.3	Providing they have properly paid a Wage Subsidy to an Employer, Providers can submit a claim for Reimbursement from the Department:		
	 after each Wage Subsidy Period, or collectively at the end of the six month Wage Subsidy Agreement. 		
	Without limiting any other rights which the Department might have, the Department will monitor the Provider's payment and claims for Reimbursement of amounts paid in the relation to the Wage Subsidy. Note: in		

Process	Details
	accordance with the Grant Agreement, the Provider must not pay a Wage Subsidy to the Provider's own organisation or a Related Entity.
	When claiming Reimbursement for flexible payments of the Wage Subsidy, Providers must select the "Flexible Payment" option in the Claim screen in the Department's IT Systems.
	Providers must only claim Reimbursement up to the same dollar value that they paid to the Employer.
	All outstanding Reimbursements must be claimed within 56 calendar days after the end of the Wage Subsidy Agreement.
Provision of Documentary Evidence	Providers must obtain sufficient Documentary Evidence in order to process a Wage Subsidy payment to an Employer and seek Reimbursement from the Department. See the on the <u>Documentary Evidence Guideline</u> Provider Portal.
Disability Employment Services	Payments to Employers
Grant Agreement Do Clauses References: Pa	Documentary Evidence must be retained by the Provider to demonstrate the Participant was Employed as per the Wage Subsidy Agreement and the hours worked over the Wage Subsidy Period. This should include either:
• Clause 23	 payslips to demonstrate hours worked or a print-out from the Employer's payroll software, or a statutory declaration, email or other correspondence from the Employer.
	In addition, the Provider must retain evidence from the Employer to verify any periods of approved leave.
	Claims for Reimbursement
	Documentary Evidence must be retained by the Provider to demonstrate prior payment from the Provider to the Employer. In addition to the Documentary Evidence retained by the Provider as set out under the heading 'Payments to Employers' above, this should include either a:
	 record of transaction (bank statement or report from the Provider's financial system) tax invoice and receipt from the Employer remittance advice, or statutory declaration from the Provider.
	The evidence must clearly include the amount of the Wage Subsidy payment, the Employer's details (including ABN) and the date the payment was made.

DES Wage Start Subsidy Guidelines TRIM ID: TBA Arc Record Number: D18/288299

Effective Date: 01 July 2018

Process	Details
Transferred Arrangements	If a Participant in a Wage Subsidy Placement transfers to another Provider, then both the gaining and outgoing Providers must liaise with each other to ensure that both the Participant and Employer continue to be supported.
Disability Employment Services Grant Agreement Clauses References: Clause 102.6	In the event of a Participant transferring to another Provider, the Provider who is the outgoing Provider agrees that their Wage Subsidy Agreement will be terminated and the Department's IT Systems will prevent the outgoing provider from claiming any further reimbursements. The Provider who is the gaining Provider must use its best endeavours to enter into a new Wage Subsidy Agreement with the Employer for the remaining balance.
More information	For further information, contact your Account Manager.



Agreement ID:

Wage Subsidy Head Agreement (Sample)

Congratulations on joining thousands of other businesses across

Australia by accessing an Australian Government Wage Subsidy. By hiring an eligible job seeker, you are giving your business a boost, and contributing to the local economy.

Employment Services Provider (Provider) details

Provider Details	Response
Provider Name:	
Provider ABN:	
Site Address:	

Employer details

Employer Details	Response
Employer's Legal Name:	
Employer ABN:	
Address:	

Head Agreement Term

Employer Details	Response
Start Date	
End Date	30 June 2020

General Terms and Conditions:

Preliminary:

1. The Provider and Employer agree that each Schedule that the Provider attaches to this Head Agreement will relate to a single Employment Position and will create a separate contract (Wage Subsidy Agreement) between the Provider and the Employer in relation to that Employment Position. Each Wage Subsidy Agreement consists of the terms and conditions of this Head Agreement and the relevant terms relating to the Employment Position, Wage Subsidy Participant (Participant) and Wage Subsidy Period set out in the relevant Schedule.

The Employment Position:

- 2. The Employer agrees that in relation to each Employment Position:
 - a. it does not have a current Employment relationship with the relevant Participant and is not an immediate family member of the relevant Participant;
 - b. if it receives a state or territory government wage subsidy for the Employment Position, it will immediately notify the Provider of the amount of any such funding;
 - c. the total value of the Wage Subsidy for the Employment Position will not exceed 100 per cent of the relevant Participant's wage;
 - d. the Employment of the relevant Participant has not, does not, and will not displace an existing employee;

- e. the Employment Position is a sustainable and ongoing position that is not intended to end when Wage Subsidy payments cease, and in respect of which the Employer knows of no reasons why the Employment Position will not continue indefinitely;
- f. the Employment Position is one that complies with minimum wage rates prescribed for the Employment under relevant Commonwealth, State or Territory law (including any award conditions which may be applicable to the Employment Position);
- g. the Employment Position is not commission-based, self-employment or a subcontracted position; and
- h. if it is a labour hire or group training organisation, it will disclose to the relevant host organisation that it is receiving a Wage Subsidy for the placement of the Participant with the host organisation.
- 3. For each Employment Position, the Employer must employ the relevant Participant for an average of at least the minimum hours per week for the duration of the Wage Subsidy Agreement Term as set out in the relevant Schedule.
- 4. The Provider and the Employer must, as soon as possible, bring to the attention of the other party any difficulties the relevant Participant may have in the relevant Employment Position, and work towards supporting the Participant to continue in the Employment Position.
- 5. Where a Participant's employment ends prior to the Wage Subsidy End Date, the Employer must immediately notify the Provider of this and issue a separation certificate to the Participant, and the Wage Subsidy Agreement for that particular Employment Position and Participant is terminated.

Payment:

- 6. If the Employer complies with the Wage Subsidy Agreement, the Provider will pay the Wage Subsidy to the Employer in accordance with the relevant Schedule.
- 7. If the Provider requests, the Employer must provide to the Provider all payslips/payroll summaries or any other evidence that the Provider deems necessary (Documentary Evidence) relating to the Employment of a particular Participant during the relevant Wage Subsidy Agreement Term.
- 8. The Provider will pay the Wage Subsidy payment/s in accordance with the Wage Subsidy Period/s specified in the relevant Schedule after the Employer has provided Documentary Evidence of the relevant Participant's Employment over the relevant Wage Subsidy Period.
- 9. Where the Provider is satisfied that the Participant is likely to work an average of at least the minimum hours per week over the duration of the Wage Subsidy Agreement Term it will do so in accordance with the relevant Schedule.
- 10. The Provider may withhold all or part of a Wage Subsidy payment if the Employer does not fulfil its obligations under this Head Agreement, or otherwise brings the use of Wage Subsidies or the Commonwealth into disrepute.
- 11. Where a Wage Subsidy Agreement terminates prior to the Wage Subsidy End Date (as specified in the relevant Schedule), any outstanding Wage Subsidy payments owed to the Employer for that Participant will be paid on a pro-rata basis for the period that Participant was employed on the condition that the Participant worked an average of at least the minimum hours per week over that period.

Compliance and Remedies:

- 12. Where the Provider or the Department of Social Services ('the Department') determines that the Employer has not met the terms and conditions of the Wage Subsidy Agreement or has engaged in any fraudulent practice in relation to Wage Subsidies, the Provider may take action, including, but not limited to:
 - a. recovery of any Wage Subsidy payments made to the Employer;
 - b. disqualifying the Employer from receiving future Wage Subsidy payments; and/or
 - c. in the case of fraudulent practice, referring the matter for criminal prosecution.

Assignment and Novation:

- 13. The Employer must not assign any of its rights under the Wage Subsidy Agreement or enter into an arrangement that will require the novation of the Wage Subsidy Agreement, without the Provider's prior written approval.
- 14. The Provider may assign, transfer, novate, and otherwise deal in any manner with, all or any part of the benefit of the Wage Subsidy Agreement and any of its rights, remedies, powers, duties and obligations under the Wage Subsidy Agreement to any person including the Department, without the consent of the Employer.

Privacy Statement:

Your personal information in relation to this Wage Subsidy Agreement is collected by the Department for the purposes of administering Wage Subsidies, including to monitor compliance or to promote the program, and may be shared between the Department and its Providers for these purposes. Your personal information will not be used for any other purpose, unless you agree or it is otherwise permitted by law. If you do not provide some or all of your personal information, the Department may not be able to administer the appropriate Wage Subsidy.

The Department's Privacy Policy is available at www.dss.gov.au/privacy-policy and contains more information about the way the Department manages personal information, including your rights to access and correct your information as well as information on how you can complain about a breach of your privacy.

Freedom of Information:

Documents in the possession of the Department and its contracted service providers are subject to disclosure in response to a request made under the Freedom of Information Act 1982 (FOI Act). There are a number of exceptions to release and, where appropriate, the Department will consult with affected individuals or organisations prior to making a decision on access to documents.

Declaration and execution of Head Agreement by the Provider:

By signing the below, I declare that:

- I am duly authorised by the Provider to sign this declaration and Head Agreement;
- I agree to all the terms and conditions specified in this Head Agreement;
- the details provided in this Head Agreement are true and correct;
- I am satisfied that the Employer meets the requirements as set out in the relevant Grant Agreement and Guidelines; and
- before attaching a Schedule to this Head Agreement, I will ensure that the Employer agrees
 with the terms of the Schedule and the Participants and Employment Positions (as detailed
 in the Schedules) meet the requirements as set out in the relevant Grant Agreement and
 Guidelines.

Declaration Details	Response
Signature:	
Name:	
Position:	
Date:	

Declaration and execution of Head Agreement by the Employer:

By signing the below, I declare that:

- I am duly authorised by the Employer to sign this declaration and Head Agreement;
- the details provided in this Head Agreement are true and correct; and
- I agree to all the terms and conditions specified in this Head Agreement.

Declaration Details	Response
Signature:	
Name:	
Position:	
Date:	



Agreement ID: Schedule ID:



Schedule to Wage Subsidy Head Agreement (Sample)

To claim your Wage Subsidy you need to employ [Participant Name] in an ongoing role for an average of at least the minimum hours per week as outlined in this Wage Subsidy Agreement over six months. The general terms and conditions are included in the Head Agreement. If you have any questions, please contact me at the details below.

Wage Subsidy Details		
Participant Name:		
Total Wage Subsidy Amount:		
Wage Subsidy Period/s		
Flexible Payment/s:		
Milestone Payments:		
Wage Subsidy Agreement Term		
Wage Subsidy Start Date:		
Wage Subsidy End Date:		
Employment Position Details		
Vacancy ID:		
Minimum Hours per Week		
Weekly Wage		
Job Title/Description:		
Provider Contact Details		
Name:		
Phone Number:		
Email Address:		
Employer Contact Details		
Name:		
Phone Number:		
Email Address:		

Arc Record Number: D18/288299