

## Employees with disability pay rates

Annual Wage Review – 1 September 2021 changes

From 1 September 2021, minimum wages in the Retail Award are increasing. Updated minimum rates are now available in our pay tools. See our [Annual Wage Review 2021 \(www.fairwork.gov.au/about-us/news-and-media-releases/website-news/annual-wage-review-2021\)](http://www.fairwork.gov.au/about-us/news-and-media-releases/website-news/annual-wage-review-2021) page for more information.

The Supported Wage System (SWS) applies to employees with disability and who have a reduced work capacity.

Use our [Pay and Conditions Tool \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward) to calculate pay rates for employees who are eligible for a supported wage.

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### Information on the Supported Wage System

The Department of Social Services gives out information and advice about who is eligible for the SWS. It also accepts applications for the SWS and can deal with disputes. Employers who are considering applying for the SWS should visit the [JobAccess website](http://www.jobaccess.gov.au/) (<http://www.jobaccess.gov.au/>).

### When can a supported wage be paid?

If an employee is covered by an award or [registered agreement \(www.fairwork.gov.au/Dictionary.aspx?TermID=2034\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2034), a supported wage can only be paid if:

- the award or agreement has SWS provisions,
- the employee is eligible
- the employer has applied to the Department of Social Services.

Where an award or agreement has SWS provisions, an eligible employee is entitled to a percentage of the minimum pay rate for their classification, depending on their assessed work capacity. For example, someone with an assessed work capacity of 70% is entitled to 70% of the relevant pay rate in their award or registered agreement. This assessment can only be carried out by a qualified independent assessor.

In most awards, employees eligible for a supported wage can't be paid less than \$90 per week.

Employees may need to work a trial period while their work capacity is assessed by a qualified assessor. Most employees still have to be paid at least \$90 per week during the trial period.

Not all employees are entitled to be paid a minimum of \$90 per week, including during a trial period. Read below for more information about these exceptions.

### What are the exceptions?

Not all employees are entitled to a minimum payment of \$90 each week. Employees aren't entitled to this minimum payment if:

- they're covered by an award or agreement that doesn't have SWS provisions
- their disability doesn't affect their work capacity
- they're covered by the Supported Employment Services Award.

If there are no SWS provisions in the award or registered agreement, an employee with disability must be paid the full pay rate for their classification.

Similarly, if an employee's disability doesn't affect the way they can do their job, they're not covered by the SWS and get the full pay rate for their classification.

## Employees covered by the Employment Services Award

Employees eligible for a supported wage under Schedule D of the Supported Employment Award aren't entitled to a minimum weekly payment.

Their minimum supported wage is calculated differently to other awards. Employees are entitled to a percentage of the relevant minimum pay rate for their classification. The percentage applied is the higher of:

- the employee's assessed work capacity, rounded to the nearest whole percentage, or
- 12.5%.

If an employee is working a trial period while their capacity is being assessed, the employee must be paid at least 12.5% of the relevant minimum pay rate for their classification, for each hour worked within the trial period.

## What about award and agreement free employees?

Employees that aren't covered by an award or registered agreement, are entitled to the [national minimum wage \(www.fairwork.gov.au/Dictionary.aspx?TermID=2030\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2030) .

An employee with disability can be paid a percentage of the [national minimum wage \(www.fairwork.gov.au/Dictionary.aspx?TermID=2030\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2030) , depending on their assessed work capacity. For example, someone with a work capacity of 70% will get 70% of the national minimum wage. Work capacity assessments need to be carried out by a qualified independent assessor.

Employees can't be paid less than \$90 per week.

## Tools and resources

- [www.fairwork.gov.au/employment-conditions/awards/find-my-award](http://www.fairwork.gov.au/employment-conditions/awards/find-my-award) ([www.fairwork.gov.au/awards-and-agreements/awards/find-my-award](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award)) Find my award ([www.fairwork.gov.au/awards-and-agreements/awards/find-my-award](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award))
- [Pay and Conditions Tool \(http://calculate.fairwork.gov.au/FindYourAward\)](http://calculate.fairwork.gov.au/FindYourAward)
- [Workplace discrimination fact sheet \(www.fairwork.gov.au/tools-and-resources/fact-sheets/rights-and-obligations/workplace-discrimination\)](http://www.fairwork.gov.au/tools-and-resources/fact-sheets/rights-and-obligations/workplace-discrimination)
- [Fair Work Commission registered agreement database \(https://www.fwc.gov.au/awards-and-agreements/agreements\)](https://www.fwc.gov.au/awards-and-agreements/agreements) <sup>↗</sup>
- [JobAccess \(http://www.jobaccess.gov.au/\)](http://www.jobaccess.gov.au/) <sup>↗</sup> (<http://employment.gov.au/>)

## Related information

- [Protections from discrimination at work \(www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work)
- [National Minimum Wage Order <sup>↗</sup> \(https://www.fwc.gov.au/awards-agreements/minimum-wages-conditions/annual-wage-reviews/annual-wage-review-2017-18/national\)](https://www.fwc.gov.au/awards-agreements/minimum-wages-conditions/annual-wage-reviews/annual-wage-review-2017-18/national)

## Help for small business

Find tools, resources and information you might need in our [Small business showcase \(www.fairwork.gov.au/small-business-showcase/default\)](http://www.fairwork.gov.au/small-business-showcase/default) .

## Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Fixing a workplace problem \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

## Contact us

Fair Work Online: [www.fairwork.gov.au](http://www.fairwork.gov.au)

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.