

Frequently Asked Questions – Practical application of the SWS under the SES Award

Q. Is there any way we can enter the performance standards?

A. The employer is able to set the relevant performance standards, ideally taking into account the following:

1. Duty Title/Description
2. Task Title
3. Task description
4. Performance standard Details:
 - Commencement & end points
 - Process of completion
 - Quality requirements
 - Quantity outcome requirements
 - Details of equipment used
 - Additional information

Performance standards must be established before a SWS assessment can be undertaken. An assessor must validate all benchmarks to ensure they are achievable in the assessment workplace.

- Benchmarks must be based on at least 3 different timings, and the variance between timings should be less than 10 percentage points. Only benchmarks that achieve this standard are considered valid.
- Once an assessor has validated a benchmark in the workplace, that benchmark may be used for other employees undertaking the same task in the same location and/or for review assessments for the same employee.

Link to the [Performance Standards and Benchmarking Checklist](#).

Q. Can you assess on Quality? Or only Time and Quality

A. The employee's rate of productive output is a key measurement, however a certain quality standard could be identified in the benchmark, e.g. Assemble 10 boxes within 15 minutes, with no more than a 3% rejection rate

Q. How would you determine this if you are sorting bins for recycling and all bins would contain different amounts of product?

A. The employer could include a quality standard in the benchmark specifying that all product (or a minimum acceptable proportion, e.g. 90%) should be sorted into the correct bin.

On the day an assessor will try to use similar looking/ weighing products. This is not an exact science, however. Collecting more timings should accommodate for some of the variation by dropping off any outlying timings before making the final calculation.

Q. Do we provide the performance standards to the assessor prior to them coming on site? Is there a form we need to complete?

A. The assessor will be in contact prior to coming and if you have data and performance standards it would be good to have an idea of what they are prior to the assessment, however it is not a requirement.

Q. How is this assessment done in team environment of 3 workers?

A. Assessments are done on an individual basis. The assessor will be looking to ensure they are measuring the individual's productivity rate, not a team outcome. The assessor would want to see the person in an environment that is as close as possible to how they work daily, so having others around might be important to see how employees perform in a noisy, distracting environment. As noted during the webinar, it may help to measure input rather than output where a team effort is required.

Q. How do you account for employees who constantly interrupt their own work with trips to the toilet, chatting, staring off into space etc? This might mean they are only on task for five hours in an eight hour shift.

A. This is where relatively longer rather than shorter timing parameters may be more reflective of 'off-task' time, for example 20-30 minutes rather than 5-10. The employer and assessor may consider this within the context of the employee's likely work behaviours.

Q. Who sets up the job/tasks benchmarks?

A. The employer. This is ideal however the assessor may provide guidance here, particularly if a discussion can be held between both parties on receipt of the referral to determine reasonable Performance Standards. It is challenging to gain appropriate context prior to the worksite visit, but discussion can be beneficial to avoid a scenario of inappropriate Performance Standards and Benchmarks being used for data collection by the employer and then being deemed unacceptable by the assessor once the worksite visit occurs.

It is important to note that the FWC's full bench decision did not make any comment on benchmark validation. However, D.5.2.(b) of the Determination does refer to independent verification by the SWS assessor.

Q. What would be the minimum time a person would have to have worked on the task before they could be assessed on that task.

A. The time allowed should be sufficient to allow for "natural" variations in the employee's rate of productive output.

If an employee has changed jobs and are performing new tasks you would want them to have several weeks to settle into the new jobs. This depends on the individual, as some people learn quicker than others, but four weeks would be an ideal minimum.

Q. How would you set the benchmarks for truck drivers whose jobs would depend on the distance needed to travel?

A. If someone has acquired their driver's license and is therefore able to drive, given the assessment guidelines say minimum performance criteria, the time when the person is driving would be determined to be 100%.

It may be that once they have driven the truck somewhere the employee's disability may impact on their productivity in the next part of the job. The assessment should include the time for driving at 100%.

Q. Some Duties have certain tasks that cannot be timed such as setting up a saw bench with timber, measuring timber lengths and calibrating a machine. How is this scored?

A. These three tasks could be assessed. Assessors have conducted assessments where moving around and stacking timber and measuring lengths of timber have been timed.

These may also make up a part of a task. For instance, the employer may want to include calibrating a machine as part of the duty. This should be written into the task description, e.g. Cut 15 planks of timber measuring 2100mm in length. Timing includes bringing the timber to the saw bench from the outside timber stack, measuring the timber and calibrating the machine.

Q. We have some positions that don't fit into the usual timed type of tasks, e.g. reception staff answering a phone call. These types of jobs cannot be timed as they are pending on the call coming in. We also have two employees who work in our media team who edit videos and create marketing material. These are purely creative endeavours that are tricky as everyone would do it differently.

A. Firstly, is the employee deemed to be less productive at conducting the phone calls once they come through? If not then this task needs to be noted at 100% productivity. If yes, this task should be simulated if possible and the Performance Standards should note what information needs to be processed/provided during each call as a Quality standard.

In relation to the video/marketing material, the employer would need to consider and define what areas the employee does not meet the expected productivity.

The employer could set up some simulation tasks for the assessment that would mimic what their jobs are, but set clear replicable outcomes, e.g. creating marketing materials – you could set a series of examples that has taken a benchmark comparator 20 minutes to complete and ask the employee to perform that task.

The assessor could call into reception and ask the person to send an email to two people etc. It may also be that people working in these roles are doing some of the tasks at 100% such as phone answering and these should be recorded on the assessment as such.

Q. We bale cardboard. Two to three people feed the baler. How would we time this? How many bales in 30min with the two or three employees?

A. The benchmark could be set by timing employees without disability performing the tasks.

The assessor may ask for the employer to arrange for an hour or so on the assessment day for people to work the baler individually, if this is safe. The employer should decide if this would work prior to setting the performance benchmarks as that will have to be performed individually as well.

Q. How does the 10% variance work - often staff will be anxious about a different person in the environment being present. They may just be very nervous - would this then throw out former assessments/timings done prior to the assessor coming in?

A. The 10% variance is only relevant when setting internal performance standard benchmarks. These timings should have less than 10 percentage points variance for a benchmark to be considered valid.

Also at least 3 different timings should be taken on at least 3 different occasions, as per Page 21 of the Handbook.

Q. We were previously assessing supported employees on 30+ tasks. We are struggling to pick 3 main tasks.

A. There is no defined number of duties or tasks that need to be included. The employer should look at a regular work week and identify how employees' working weeks are made up. It would be unusual that they were doing something different every hour of their week. If it is that they are packaging but the product changes the employer would pick the packaging job that was most representative of what employees do.

Q. We have had an employee indicate that she doesn't want to be watched and timed by an independent assessor. Can she refuse? If yes, what next?

A. This would require consulting the employer's dispute resolution guidelines and the relevant clauses in the SES Award. The employee's parents/carers and or an advocate could also be consulted or involved in explaining the process to the employee.

Alternative methods for assessing the employee could also be investigated. An employer suggested the following: We would be looking to ensure timings are conducted discretely, where observation happens out of line of sight of the employee to reduce any anxiety and adverse impact on output.

Ultimately, if the employee is to be paid a pro rata wage under the SES Award, the only way this can be determined is via the independent SWS assessment being conducted.

Employers may also make the decision not to conduct an SWS assessment for a particular employee.

Q. What about supported employees who work at a different location each shift? For example, mowing in different suburbs, driving trucks to different business locations

A. Assessors are used to travelling a lot for work. They would communicate with the business regularly to ensure they knew where to meet on the day.

Q. Am I right in understanding that the 10% variance for benchmarking is different to the 20% variance between the internal and external timings?

A. Yes this is correct. The two are entirely different measures.

Q. Being an ADE we employ people with disability as a choice and the role they are performing is not the entire role. For example, lawn and garden maintenance work, they only do part of the role but the task in its entirety is to mow, whip and blow the lawn as well as setup the equipment. Is this the entire task that they can be assessed on?

A. Employees cannot be assessed against jobs are tasks they cannot or do not perform.

Q. We have a number of employees who work up to 5 times faster at assessment time than normal. How do we have a balanced outcome?

A. The purpose of employer timing is to help circumvent this effect of the assessment and ensure the employee's usual performance is included in the assessment result.

Q. When do we start taking our own timings prior to the assessment?

A. For those employees requiring an assessment during the transition period, they should set their benchmarks and conduct their employee's assessment at the latest, several weeks before the assessor will be on site. For new employees, timings

should be conducted during the work trial at a stage where the employee appears to have settled into a regular pattern of work performance.

Collection of data throughout the 13 weeks can show progress made, with the final timings collected between weeks 11-13 being the data used for the assessment.

Assessments for new employees can be postponed for an additional period of up to 13 weeks (however an assessment must be conducted before 26 weeks).

Q. Will our service have the same SWS assessor each time?

A. Not necessarily. It will depend on the availability of an assessor. DSS allocates assessments on a random basis so employers may not get the same assessor each time. DSS will “batch” a number of assessments together if they are due around the same time.

Q. How can we prepare for the assessments if the assessor isn't going to approve the benchmarks until the day of the assessment?

A. It is to the supported employees, assessors and business's advantage for the assessments to go as smoothly as possible. Employers should open communication as soon as they find out who has been allocated the assessments and see if they will assist. Once benchmarks are set it will ensure later assessments are conducted more easily.

Q. Will the NDIS or DSS consider additional funding for the cost of set up and introduction for work force data and production time?

A. Employers will need to renegotiate the employee's regular pattern and program of support in their NDIS plan to allow for additional 1:1 support needed to prepare the employee for the assessment. This would include the collection of the employee's productive output data.

Q. What happens if you provide no data and rely solely on the assessor outcome?

A. The result of the SWS assessment will determine the full productivity percentage of the employee's wage rate. Employer data can inform 50% of the productive output assessment if it is collected and used.

Q. Does a new employee have to have an SWS assessment application lodged and approved before they can commence their trial period of employment?

A. Yes. An SWS application must be lodged and approved for a new employee before they commence their trial period of employment. This is stated twice in the [SWS Handbook under the SES Award](#), on pages 11 and 16.

Q. Is a full time work week 40hrs?

A. A standard full time work week is 38 hours (7.6 hours per day)