

RE: INQUIRY INTO THE FAIR WORK AMENDMENT (TEXTILE, CLOTHING AND FOOTWEAR
INDUSTRY) BILL 2011

To the Senate Committee,

"The government recognises that some businesses in the TCF industry may be concerned about these changes. If a business already complies with the outworker provisions in the TCF award and relevant state legislation, then these amendments should have limited impact. Only those that flout existing laws—by exploiting outworkers, by forcing employees to work in sweatshop conditions, and by taking advantage of the vulnerable position of migrant workers—should be concerned. 1"

Limited impact is a massive understatement. Concern stems from the fact that a complete and unworkable company restructure is required to treat independent contractors as employees, failure to do so will result in legal action instigated by the TCFUA. The only viable option that remains is to close down. This will leave many, whom are not vulnerable and happy with their chosen arrangements, without work. In order to protect vulnerable outworkers, the legislation will destroy the lives of all the outworkers, vulnerable or not.

Even if factories can somehow comply with the laws in treating outworks as employees - sweatshops will hence be unaffected. In instances where people are exploited nothing will change. The 'middleman' outworker will be paid as an employee rather than a company and then continue to exploit the vulnerable as before.

The current bill does nothing to protect the exploited outworker in the respect of treating outworkers as employees rather than independent contractors by a principal.

It seems this legislation is simply there so it seems someone is "doing something about it". It has obviously been suggested by bodies that have no real understanding of the Industry, as it provides no real-world protection - apart from forcing the closure of many respectable and ethical business, along with a few illegally operating.

It is clear after reading 'Bills Digest No. 92, 2011-12' and seeing the agenda for the meeting on the 2nd Feb 2012, that there has been some bias towards the recommendations of the TCFUA and the submissions encouraged by them. Why the TFIA has been shut out is beyond me. They are there to represent the industry, the outworkers I know and myself - as the TCFUA do not care about OUR jobs.

Regards,

Richard Thomas

1.J Ludwig, 'Second reading speech: Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011', Senate,

Debates, 24 November 2011,

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansard%2F83aa0e0>

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