

## EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

### SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE 2008-09 BUDGET ESTIMATES HEARING

**Agency**                      **Workplace Ombudsman**

**DEEWR Question No. EW630\_09**

Senator Abetz asked on 3 June 2008, EEWHR Hansard page 56-57.

#### **Question**

*TCFUA, the Homeworkers Code of Practice, and Seaborne Clothing*

So it is under this topic [Homeworkers Code of Practice]. Can I ask whether your office or your predecessors within the department had occasion to discuss the activities of the TCFUA in relation to what I will describe as standover tactics with manufacturers? If I were to mention the name, Seaborne Clothing, to you and a meeting at the Stamford Hotel in Victoria, does that press any buttons or ring any bells? Can you advise us as to when that meeting would have taken place? What year?

#### **Answer**

*The Workplace Ombudsman has provided the following response:*

In February 2006 the then Office of Workplace Services Group (OWS) within the Department of Employment and Workplace Relations (DEWR) was made aware of a compliance campaign being conducted by the Textile, Clothing and Footwear Union of Australia (TCFUA), in which the TCFUA would seek a direct settlement, in lieu of litigation, with employers who it alleged had breached the *Clothing Trades 1999 Award* (the Award).

The OWS Acting Group Manager, Mr Alfred Bonggi (now the Deputy Workplace Ombudsman), wrote to the National Secretary of the TCFUA on 20 February 2006, raising concerns with the approach used by the TCFUA in its campaign. A copy of this letter is at *Attachment A*. The view of the OWS at the time was that the tactics being used by the TCFUA was not a matter within the jurisdiction of the OWS.

Mr Bonggi subsequently met with representatives of the TCFUA to discuss a proposed compliance campaign, to be conducted by OWS, in the clothing industry. The TCFUA indicated its support for such a campaign.

The OWS was established as an independent agency on 27 March 2006. The OWS conducted the Clothing Industry campaign throughout June to September 2006. The OWS also met with representatives of the Australian Industry Group (AIG) on 1 May 2006 to discuss the proposed campaign.

The purpose of the OWS campaign was to educate all parties of their obligations under the *Workplace Relations Act 1996* and to increase compliance in the industry.

Neither the Workplace Ombudsman nor the OWS took part in any meeting that took place at the Stamford Hotel regarding Seaborne Clothing.



**Australian Government**  
**Department of Employment and  
Workplace Relations**

**National Office**

GPO Box 9879 CANBERRA ACT 2601

Mr Tony Woolgar  
National Secretary  
Textile Clothing and Footwear Union of Australia  
28 Anglo Road  
CAMPSIE NSW 2194

Dear Mr Woolgar

It has been brought to my attention the TCFUA is currently conducting a campaign in the clothing industry in Queensland, and possibly other States, focussing on the provisions of the Clothing Trades Award 1999 (the Award) relating to outworkers.

More particularly, I have been informed that where the union has identified alleged non-compliance with the Award's outworker provisions it is offering to settle the matter with the relevant employer, subject to the employer making a payment to the TCFUA in the order of \$10,000 to \$15,000. Where payment is made, the TCFUA agrees not to pursue penalties through litigation for a breach of the Award. The relevant employer is, I am informed, not provided with the opportunity to voluntarily remedy any alleged breach of the Award in the absence of a financial settlement or the matter proceeding to litigation.

It is questionable whether this approach is the best means of raising widespread understanding of and compliance with the Award's outworker provisions. In particular, the Department is concerned that this approach does not necessarily discharge the employer of all liability with respect to the alleged award breach, nor does it assist the employer to properly identify and remedy the alleged award breach.

Against that background, and consistent with the Government's view that employers and employees should comply with their obligations under awards and agreements, the Department is proposing to undertake an education and targeted inspection campaign regarding the Award's outworker provisions. I seek your co-operation in this matter. The need for such a campaign has been heightened with the imminent commencement of the Government's workplace relations reforms.

To that end, I will contact you shortly to further discuss this proposal.

I am writing to relevant employer groups in similar terms.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alfred Bongri', written in a cursive style.

Alfred Bongri  
Asst Group Manager  
Office of Workplace Services Group  
20 February 2006